



Sen. Steve Stadelman

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10300HB3445sam003

LRB103 29599 LNS 62504 a

1 AMENDMENT TO HOUSE BILL 3445

2 AMENDMENT NO. _____. Amend House Bill 3445, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Freedom of Information Act is amended by
6 changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory exemptions. To the extent provided for
9 by the statutes referenced below, the following shall be
10 exempt from inspection and copying:

11 (a) All information determined to be confidential
12 under Section 4002 of the Technology Advancement and
13 Development Act.

14 (b) Library circulation and order records identifying
15 library users with specific materials under the Library
16 Records Confidentiality Act.

1 (c) Applications, related documents, and medical
2 records received by the Experimental Organ Transplantation
3 Procedures Board and any and all documents or other
4 records prepared by the Experimental Organ Transplantation
5 Procedures Board or its staff relating to applications it
6 has received.

7 (d) Information and records held by the Department of
8 Public Health and its authorized representatives relating
9 to known or suspected cases of sexually transmissible
10 disease or any information the disclosure of which is
11 restricted under the Illinois Sexually Transmissible
12 Disease Control Act.

13 (e) Information the disclosure of which is exempted
14 under Section 30 of the Radon Industry Licensing Act.

15 (f) Firm performance evaluations under Section 55 of
16 the Architectural, Engineering, and Land Surveying
17 Qualifications Based Selection Act.

18 (g) Information the disclosure of which is restricted
19 and exempted under Section 50 of the Illinois Prepaid
20 Tuition Act.

21 (h) Information the disclosure of which is exempted
22 under the State Officials and Employees Ethics Act, and
23 records of any lawfully created State or local inspector
24 general's office that would be exempt if created or
25 obtained by an Executive Inspector General's office under
26 that Act.

1 (i) Information contained in a local emergency energy
2 plan submitted to a municipality in accordance with a
3 local emergency energy plan ordinance that is adopted
4 under Section 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution
6 of surcharge moneys collected and remitted by carriers
7 under the Emergency Telephone System Act.

8 (k) Law enforcement officer identification information
9 or driver identification information compiled by a law
10 enforcement agency or the Department of Transportation
11 under Section 11-212 of the Illinois Vehicle Code.

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death
14 review team or the Executive Council under the Abuse
15 Prevention Review Team Act.

16 (m) Information provided to the predatory lending
17 database created pursuant to Article 3 of the Residential
18 Real Property Disclosure Act, except to the extent
19 authorized under that Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial
22 counsel as provided under Sections 10 and 15 of the
23 Capital Crimes Litigation Act. This subsection (n) shall
24 apply until the conclusion of the trial of the case, even
25 if the prosecution chooses not to pursue the death penalty
26 prior to trial or sentencing.

1 (o) Information that is prohibited from being
2 disclosed under Section 4 of the Illinois Health and
3 Hazardous Substances Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Department of Transportation under Sections 2705-300 and
8 2705-616 of the Department of Transportation Law of the
9 Civil Administrative Code of Illinois, the Regional
10 Transportation Authority under Section 2.11 of the
11 Regional Transportation Authority Act, or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act.

14 (q) Information prohibited from being disclosed by the
15 Personnel Record Review Act.

16 (r) Information prohibited from being disclosed by the
17 Illinois School Student Records Act.

18 (s) Information the disclosure of which is restricted
19 under Section 5-108 of the Public Utilities Act.

20 (t) All identified or deidentified health information
21 in the form of health data or medical records contained
22 in, stored in, submitted to, transferred by, or released
23 from the Illinois Health Information Exchange, and
24 identified or deidentified health information in the form
25 of health data and medical records of the Illinois Health
26 Information Exchange in the possession of the Illinois

1 Health Information Exchange Office due to its
2 administration of the Illinois Health Information
3 Exchange. The terms "identified" and "deidentified" shall
4 be given the same meaning as in the Health Insurance
5 Portability and Accountability Act of 1996, Public Law
6 104-191, or any subsequent amendments thereto, and any
7 regulations promulgated thereunder.

8 (u) Records and information provided to an independent
9 team of experts under the Developmental Disability and
10 Mental Health Safety Act (also known as Brian's Law).

11 (v) Names and information of people who have applied
12 for or received Firearm Owner's Identification Cards under
13 the Firearm Owners Identification Card Act or applied for
14 or received a concealed carry license under the Firearm
15 Concealed Carry Act, unless otherwise authorized by the
16 Firearm Concealed Carry Act; and databases under the
17 Firearm Concealed Carry Act, records of the Concealed
18 Carry Licensing Review Board under the Firearm Concealed
19 Carry Act, and law enforcement agency objections under the
20 Firearm Concealed Carry Act.

21 (v-5) Records of the Firearm Owner's Identification
22 Card Review Board that are exempted from disclosure under
23 Section 10 of the Firearm Owners Identification Card Act.

24 (w) Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section
26 19.1 of the Toll Highway Act.

1 (x) Information which is exempted from disclosure
2 under Section 5-1014.3 of the Counties Code or Section
3 8-11-21 of the Illinois Municipal Code.

4 (y) Confidential information under the Adult
5 Protective Services Act and its predecessor enabling
6 statute, the Elder Abuse and Neglect Act, including
7 information about the identity and administrative finding
8 against any caregiver of a verified and substantiated
9 decision of abuse, neglect, or financial exploitation of
10 an eligible adult maintained in the Registry established
11 under Section 7.5 of the Adult Protective Services Act.

12 (z) Records and information provided to a fatality
13 review team or the Illinois Fatality Review Team Advisory
14 Council under Section 15 of the Adult Protective Services
15 Act.

16 (aa) Information which is exempted from disclosure
17 under Section 2.37 of the Wildlife Code.

18 (bb) Information which is or was prohibited from
19 disclosure by the Juvenile Court Act of 1987.

20 (cc) Recordings made under the Law Enforcement
21 Officer-Worn Body Camera Act, except to the extent
22 authorized under that Act.

23 (dd) Information that is prohibited from being
24 disclosed under Section 45 of the Condominium and Common
25 Interest Community Ombudsperson Act.

26 (ee) Information that is exempted from disclosure

1 under Section 30.1 of the Pharmacy Practice Act.

2 (ff) Information that is exempted from disclosure
3 under the Revised Uniform Unclaimed Property Act.

4 (gg) Information that is prohibited from being
5 disclosed under Section 7-603.5 of the Illinois Vehicle
6 Code.

7 (hh) Records that are exempt from disclosure under
8 Section 1A-16.7 of the Election Code.

9 (ii) Information which is exempted from disclosure
10 under Section 2505-800 of the Department of Revenue Law of
11 the Civil Administrative Code of Illinois.

12 (jj) Information and reports that are required to be
13 submitted to the Department of Labor by registering day
14 and temporary labor service agencies but are exempt from
15 disclosure under subsection (a-1) of Section 45 of the Day
16 and Temporary Labor Services Act.

17 (kk) Information prohibited from disclosure under the
18 Seizure and Forfeiture Reporting Act.

19 (ll) Information the disclosure of which is restricted
20 and exempted under Section 5-30.8 of the Illinois Public
21 Aid Code.

22 (mm) Records that are exempt from disclosure under
23 Section 4.2 of the Crime Victims Compensation Act.

24 (nn) Information that is exempt from disclosure under
25 Section 70 of the Higher Education Student Assistance Act.

26 (oo) Communications, notes, records, and reports

1 arising out of a peer support counseling session
2 prohibited from disclosure under the First Responders
3 Suicide Prevention Act.

4 (pp) Names and all identifying information relating to
5 an employee of an emergency services provider or law
6 enforcement agency under the First Responders Suicide
7 Prevention Act.

8 (qq) Information and records held by the Department of
9 Public Health and its authorized representatives collected
10 under the Reproductive Health Act.

11 (rr) Information that is exempt from disclosure under
12 the Cannabis Regulation and Tax Act.

13 (ss) Data reported by an employer to the Department of
14 Human Rights pursuant to Section 2-108 of the Illinois
15 Human Rights Act.

16 (tt) Recordings made under the Children's Advocacy
17 Center Act, except to the extent authorized under that
18 Act.

19 (uu) Information that is exempt from disclosure under
20 Section 50 of the Sexual Assault Evidence Submission Act.

21 (vv) Information that is exempt from disclosure under
22 subsections (f) and (j) of Section 5-36 of the Illinois
23 Public Aid Code.

24 (ww) Information that is exempt from disclosure under
25 Section 16.8 of the State Treasurer Act.

26 (xx) Information that is exempt from disclosure or

1 information that shall not be made public under the
2 Illinois Insurance Code.

3 (yy) Information prohibited from being disclosed under
4 the Illinois Educational Labor Relations Act.

5 (zz) Information prohibited from being disclosed under
6 the Illinois Public Labor Relations Act.

7 (aaa) Information prohibited from being disclosed
8 under Section 1-167 of the Illinois Pension Code.

9 (bbb) Information that is prohibited from disclosure
10 by the Illinois Police Training Act and the Illinois State
11 Police Act.

12 (ccc) Records exempt from disclosure under Section
13 2605-304 of the Illinois State Police Law of the Civil
14 Administrative Code of Illinois.

15 (ddd) Information prohibited from being disclosed
16 under Section 35 of the Address Confidentiality for
17 Victims of Domestic Violence, Sexual Assault, Human
18 Trafficking, or Stalking Act.

19 (eee) Information prohibited from being disclosed
20 under subsection (b) of Section 75 of the Domestic
21 Violence Fatality Review Act.

22 (fff) Images from cameras under the Expressway Camera
23 Act. This subsection (fff) is inoperative on and after
24 July 1, 2023.

25 (ggg) Information prohibited from disclosure under
26 paragraph (3) of subsection (a) of Section 14 of the Nurse

1 Agency Licensing Act.

2 (hhh) Information submitted to the Illinois Department
3 ~~of~~ State Police in an affidavit or application for an
4 assault weapon endorsement, assault weapon attachment
5 endorsement, .50 caliber rifle endorsement, or .50 caliber
6 cartridge endorsement under the Firearm Owners
7 Identification Card Act.

8 (iii) Information prohibited from being disclosed
9 under subsection (e) of Section 1-129 of the Illinois
10 Power Agency Act.

11 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
12 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
13 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
14 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
15 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
16 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
17 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
18 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
19 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised
20 2-13-23.)"; and

21 Section 10. The Illinois Power Agency Act is amended by
22 changing Section 1-75 and adding Section 1-129 as follows:

23 (20 ILCS 3855/1-75)

24 Sec. 1-75. Planning and Procurement Bureau. The Planning

1 and Procurement Bureau has the following duties and
2 responsibilities:

3 (a) The Planning and Procurement Bureau shall each year,
4 beginning in 2008, develop procurement plans and conduct
5 competitive procurement processes in accordance with the
6 requirements of Section 16-111.5 of the Public Utilities Act
7 for the eligible retail customers of electric utilities that
8 on December 31, 2005 provided electric service to at least
9 100,000 customers in Illinois. Beginning with the delivery
10 year commencing on June 1, 2017, the Planning and Procurement
11 Bureau shall develop plans and processes for the procurement
12 of zero emission credits from zero emission facilities in
13 accordance with the requirements of subsection (d-5) of this
14 Section. Beginning on the effective date of this amendatory
15 Act of the 102nd General Assembly, the Planning and
16 Procurement Bureau shall develop plans and processes for the
17 procurement of carbon mitigation credits from carbon-free
18 energy resources in accordance with the requirements of
19 subsection (d-10) of this Section. The Planning and
20 Procurement Bureau shall also develop procurement plans and
21 conduct competitive procurement processes in accordance with
22 the requirements of Section 16-111.5 of the Public Utilities
23 Act for the eligible retail customers of small
24 multi-jurisdictional electric utilities that (i) on December
25 31, 2005 served less than 100,000 customers in Illinois and
26 (ii) request a procurement plan for their Illinois

1 jurisdictional load. This Section shall not apply to a small
2 multi-jurisdictional utility until such time as a small
3 multi-jurisdictional utility requests the Agency to prepare a
4 procurement plan for their Illinois jurisdictional load. For
5 the purposes of this Section, the term "eligible retail
6 customers" has the same definition as found in Section
7 16-111.5(a) of the Public Utilities Act.

8 Beginning with the plan or plans to be implemented in the
9 2017 delivery year, the Agency shall no longer include the
10 procurement of renewable energy resources in the annual
11 procurement plans required by this subsection (a), except as
12 provided in subsection (q) of Section 16-111.5 of the Public
13 Utilities Act, and shall instead develop a long-term renewable
14 resources procurement plan in accordance with subsection (c)
15 of this Section and Section 16-111.5 of the Public Utilities
16 Act.

17 In accordance with subsection (c-5) of this Section, the
18 Planning and Procurement Bureau shall oversee the procurement
19 by electric utilities that served more than 300,000 retail
20 customers in this State as of January 1, 2019 of renewable
21 energy credits from new utility-scale solar projects to be
22 installed, along with energy storage facilities, at or
23 adjacent to the sites of electric generating facilities that,
24 as of January 1, 2016, burned coal as their primary fuel
25 source.

26 (1) The Agency shall each year, beginning in 2008, as

1 needed, issue a request for qualifications for experts or
2 expert consulting firms to develop the procurement plans
3 in accordance with Section 16-111.5 of the Public
4 Utilities Act. In order to qualify an expert or expert
5 consulting firm must have:

6 (A) direct previous experience assembling
7 large-scale power supply plans or portfolios for
8 end-use customers;

9 (B) an advanced degree in economics, mathematics,
10 engineering, risk management, or a related area of
11 study;

12 (C) 10 years of experience in the electricity
13 sector, including managing supply risk;

14 (D) expertise in wholesale electricity market
15 rules, including those established by the Federal
16 Energy Regulatory Commission and regional transmission
17 organizations;

18 (E) expertise in credit protocols and familiarity
19 with contract protocols;

20 (F) adequate resources to perform and fulfill the
21 required functions and responsibilities; and

22 (G) the absence of a conflict of interest and
23 inappropriate bias for or against potential bidders or
24 the affected electric utilities.

25 (2) The Agency shall each year, as needed, issue a
26 request for qualifications for a procurement administrator

1 to conduct the competitive procurement processes in
2 accordance with Section 16-111.5 of the Public Utilities
3 Act. In order to qualify an expert or expert consulting
4 firm must have:

5 (A) direct previous experience administering a
6 large-scale competitive procurement process;

7 (B) an advanced degree in economics, mathematics,
8 engineering, or a related area of study;

9 (C) 10 years of experience in the electricity
10 sector, including risk management experience;

11 (D) expertise in wholesale electricity market
12 rules, including those established by the Federal
13 Energy Regulatory Commission and regional transmission
14 organizations;

15 (E) expertise in credit and contract protocols;

16 (F) adequate resources to perform and fulfill the
17 required functions and responsibilities; and

18 (G) the absence of a conflict of interest and
19 inappropriate bias for or against potential bidders or
20 the affected electric utilities.

21 (3) The Agency shall provide affected utilities and
22 other interested parties with the lists of qualified
23 experts or expert consulting firms identified through the
24 request for qualifications processes that are under
25 consideration to develop the procurement plans and to
26 serve as the procurement administrator. The Agency shall

1 also provide each qualified expert's or expert consulting
2 firm's response to the request for qualifications. All
3 information provided under this subparagraph shall also be
4 provided to the Commission. The Agency may provide by rule
5 for fees associated with supplying the information to
6 utilities and other interested parties. These parties
7 shall, within 5 business days, notify the Agency in
8 writing if they object to any experts or expert consulting
9 firms on the lists. Objections shall be based on:

10 (A) failure to satisfy qualification criteria;

11 (B) identification of a conflict of interest; or

12 (C) evidence of inappropriate bias for or against
13 potential bidders or the affected utilities.

14 The Agency shall remove experts or expert consulting
15 firms from the lists within 10 days if there is a
16 reasonable basis for an objection and provide the updated
17 lists to the affected utilities and other interested
18 parties. If the Agency fails to remove an expert or expert
19 consulting firm from a list, an objecting party may seek
20 review by the Commission within 5 days thereafter by
21 filing a petition, and the Commission shall render a
22 ruling on the petition within 10 days. There is no right of
23 appeal of the Commission's ruling.

24 (4) The Agency shall issue requests for proposals to
25 the qualified experts or expert consulting firms to
26 develop a procurement plan for the affected utilities and

1 to serve as procurement administrator.

2 (5) The Agency shall select an expert or expert
3 consulting firm to develop procurement plans based on the
4 proposals submitted and shall award contracts of up to 5
5 years to those selected.

6 (6) The Agency shall select an expert or expert
7 consulting firm, with approval of the Commission, to serve
8 as procurement administrator based on the proposals
9 submitted. If the Commission rejects, within 5 days, the
10 Agency's selection, the Agency shall submit another
11 recommendation within 3 days based on the proposals
12 submitted. The Agency shall award a 5-year contract to the
13 expert or expert consulting firm so selected with
14 Commission approval.

15 (b) The experts or expert consulting firms retained by the
16 Agency shall, as appropriate, prepare procurement plans, and
17 conduct a competitive procurement process as prescribed in
18 Section 16-111.5 of the Public Utilities Act, to ensure
19 adequate, reliable, affordable, efficient, and environmentally
20 sustainable electric service at the lowest total cost over
21 time, taking into account any benefits of price stability, for
22 eligible retail customers of electric utilities that on
23 December 31, 2005 provided electric service to at least
24 100,000 customers in the State of Illinois, and for eligible
25 Illinois retail customers of small multi-jurisdictional
26 electric utilities that (i) on December 31, 2005 served less

1 than 100,000 customers in Illinois and (ii) request a
2 procurement plan for their Illinois jurisdictional load.

3 (c) Renewable portfolio standard.

4 (1) (A) The Agency shall develop a long-term renewable
5 resources procurement plan that shall include procurement
6 programs and competitive procurement events necessary to
7 meet the goals set forth in this subsection (c). The
8 initial long-term renewable resources procurement plan
9 shall be released for comment no later than 160 days after
10 June 1, 2017 (the effective date of Public Act 99-906).
11 The Agency shall review, and may revise on an expedited
12 basis, the long-term renewable resources procurement plan
13 at least every 2 years, which shall be conducted in
14 conjunction with the procurement plan under Section
15 16-111.5 of the Public Utilities Act to the extent
16 practicable to minimize administrative expense. No later
17 than 120 days after the effective date of this amendatory
18 Act of the 102nd General Assembly, the Agency shall
19 release for comment a revision to the long-term renewable
20 resources procurement plan, updating elements of the most
21 recently approved plan as needed to comply with this
22 amendatory Act of the 102nd General Assembly, and any
23 long-term renewable resources procurement plan update
24 published by the Agency but not yet approved by the
25 Illinois Commerce Commission shall be withdrawn. The
26 long-term renewable resources procurement plans shall be

1 subject to review and approval by the Commission under
2 Section 16-111.5 of the Public Utilities Act.

3 (B) Subject to subparagraph (F) of this paragraph (1),
4 the long-term renewable resources procurement plan shall
5 attempt to meet the goals for procurement of renewable
6 energy credits at levels of at least the following overall
7 percentages: 13% by the 2017 delivery year; increasing by
8 at least 1.5% each delivery year thereafter to at least
9 25% by the 2025 delivery year; increasing by at least 3%
10 each delivery year thereafter to at least 40% by the 2030
11 delivery year, and continuing at no less than 40% for each
12 delivery year thereafter. The Agency shall attempt to
13 procure 50% by delivery year 2040. The Agency shall
14 determine the annual increase between delivery year 2030
15 and delivery year 2040, if any, taking into account energy
16 demand, other energy resources, and other public policy
17 goals. In the event of a conflict between these goals and
18 the new wind and new photovoltaic procurement requirements
19 described in items (i) through (iii) of subparagraph (C)
20 of this paragraph (1), the long-term plan shall prioritize
21 compliance with the new wind and new photovoltaic
22 procurement requirements described in items (i) through
23 (iii) of subparagraph (C) of this paragraph (1) over the
24 annual percentage targets described in this subparagraph
25 (B). The Agency shall not comply with the annual
26 percentage targets described in this subparagraph (B) by

1 procuring renewable energy credits that are unlikely to
2 lead to the development of new renewable resources.

3 For the delivery year beginning June 1, 2017, the
4 procurement plan shall attempt to include, subject to the
5 prioritization outlined in this subparagraph (B),
6 cost-effective renewable energy resources equal to at
7 least 13% of each utility's load for eligible retail
8 customers and 13% of the applicable portion of each
9 utility's load for retail customers who are not eligible
10 retail customers, which applicable portion shall equal 50%
11 of the utility's load for retail customers who are not
12 eligible retail customers on February 28, 2017.

13 For the delivery year beginning June 1, 2018, the
14 procurement plan shall attempt to include, subject to the
15 prioritization outlined in this subparagraph (B),
16 cost-effective renewable energy resources equal to at
17 least 14.5% of each utility's load for eligible retail
18 customers and 14.5% of the applicable portion of each
19 utility's load for retail customers who are not eligible
20 retail customers, which applicable portion shall equal 75%
21 of the utility's load for retail customers who are not
22 eligible retail customers on February 28, 2017.

23 For the delivery year beginning June 1, 2019, and for
24 each year thereafter, the procurement plans shall attempt
25 to include, subject to the prioritization outlined in this
26 subparagraph (B), cost-effective renewable energy

1 resources equal to a minimum percentage of each utility's
2 load for all retail customers as follows: 16% by June 1,
3 2019; increasing by 1.5% each year thereafter to 25% by
4 June 1, 2025; and 25% by June 1, 2026; increasing by at
5 least 3% each delivery year thereafter to at least 40% by
6 the 2030 delivery year, and continuing at no less than 40%
7 for each delivery year thereafter. The Agency shall
8 attempt to procure 50% by delivery year 2040. The Agency
9 shall determine the annual increase between delivery year
10 2030 and delivery year 2040, if any, taking into account
11 energy demand, other energy resources, and other public
12 policy goals.

13 For each delivery year, the Agency shall first
14 recognize each utility's obligations for that delivery
15 year under existing contracts. Any renewable energy
16 credits under existing contracts, including renewable
17 energy credits as part of renewable energy resources,
18 shall be used to meet the goals set forth in this
19 subsection (c) for the delivery year.

20 (C) The long-term renewable resources procurement plan
21 described in subparagraph (A) of this paragraph (1) shall
22 include the procurement of renewable energy credits from
23 new projects in amounts equal to at least the following:

24 (i) 10,000,000 renewable energy credits delivered
25 annually by the end of the 2021 delivery year, and
26 increasing ratably to reach 45,000,000 renewable

1 energy credits delivered annually from new wind and
2 solar projects by the end of delivery year 2030 such
3 that the goals in subparagraph (B) of this paragraph
4 (1) are met entirely by procurements of renewable
5 energy credits from new wind and photovoltaic
6 projects. Of that amount, to the extent possible, the
7 Agency shall procure 45% from wind projects and 55%
8 from photovoltaic projects. Of the amount to be
9 procured from photovoltaic projects, the Agency shall
10 procure: at least 50% from solar photovoltaic projects
11 using the program outlined in subparagraph (K) of this
12 paragraph (1) from distributed renewable energy
13 generation devices or community renewable generation
14 projects; at least 47% from utility-scale solar
15 projects; at least 3% from brownfield site
16 photovoltaic projects that are not community renewable
17 generation projects.

18 In developing the long-term renewable resources
19 procurement plan, the Agency shall consider other
20 approaches, in addition to competitive procurements,
21 that can be used to procure renewable energy credits
22 from brownfield site photovoltaic projects and thereby
23 help return blighted or contaminated land to
24 productive use while enhancing public health and the
25 well-being of Illinois residents, including those in
26 environmental justice communities, as defined using

1 existing methodologies and findings used by the Agency
2 and its Administrator in its Illinois Solar for All
3 Program.

4 (ii) In any given delivery year, if forecasted
5 expenses are less than the maximum budget available
6 under subparagraph (E) of this paragraph (1), the
7 Agency shall continue to procure new renewable energy
8 credits until that budget is exhausted in the manner
9 outlined in item (i) of this subparagraph (C).

10 (iii) For purposes of this Section:

11 "New wind projects" means wind renewable energy
12 facilities that are energized after June 1, 2017 for
13 the delivery year commencing June 1, 2017.

14 "New photovoltaic projects" means photovoltaic
15 renewable energy facilities that are energized after
16 June 1, 2017. Photovoltaic projects developed under
17 Section 1-56 of this Act shall not apply towards the
18 new photovoltaic project requirements in this
19 subparagraph (C).

20 For purposes of calculating whether the Agency has
21 procured enough new wind and solar renewable energy
22 credits required by this subparagraph (C), renewable
23 energy facilities that have a multi-year renewable
24 energy credit delivery contract with the utility
25 through at least delivery year 2030 shall be
26 considered new, however no renewable energy credits

1 from contracts entered into before June 1, 2021 shall
2 be used to calculate whether the Agency has procured
3 the correct proportion of new wind and new solar
4 contracts described in this subparagraph (C) for
5 delivery year 2021 and thereafter.

6 (D) Renewable energy credits shall be cost effective.
7 For purposes of this subsection (c), "cost effective"
8 means that the costs of procuring renewable energy
9 resources do not cause the limit stated in subparagraph
10 (E) of this paragraph (1) to be exceeded and, for
11 renewable energy credits procured through a competitive
12 procurement event, do not exceed benchmarks based on
13 market prices for like products in the region. For
14 purposes of this subsection (c), "like products" means
15 contracts for renewable energy credits from the same or
16 substantially similar technology, same or substantially
17 similar vintage (new or existing), the same or
18 substantially similar quantity, and the same or
19 substantially similar contract length and structure.
20 Benchmarks shall reflect development, financing, or
21 related costs resulting from requirements imposed through
22 other provisions of State law, including, but not limited
23 to, requirements in subparagraphs (P) and (Q) of this
24 paragraph (1) and the Renewable Energy Facilities
25 Agricultural Impact Mitigation Act. Confidential
26 benchmarks shall be developed by the procurement

1 administrator, in consultation with the Commission staff,
2 Agency staff, and the procurement monitor and shall be
3 subject to Commission review and approval. If price
4 benchmarks for like products in the region are not
5 available, the procurement administrator shall establish
6 price benchmarks based on publicly available data on
7 regional technology costs and expected current and future
8 regional energy prices. The benchmarks in this Section
9 shall not be used to curtail or otherwise reduce
10 contractual obligations entered into by or through the
11 Agency prior to June 1, 2017 (the effective date of Public
12 Act 99-906).

13 (E) For purposes of this subsection (c), the required
14 procurement of cost-effective renewable energy resources
15 for a particular year commencing prior to June 1, 2017
16 shall be measured as a percentage of the actual amount of
17 electricity (megawatt-hours) supplied by the electric
18 utility to eligible retail customers in the delivery year
19 ending immediately prior to the procurement, and, for
20 delivery years commencing on and after June 1, 2017, the
21 required procurement of cost-effective renewable energy
22 resources for a particular year shall be measured as a
23 percentage of the actual amount of electricity
24 (megawatt-hours) delivered by the electric utility in the
25 delivery year ending immediately prior to the procurement,
26 to all retail customers in its service territory. For

1 purposes of this subsection (c), the amount paid per
2 kilowatthour means the total amount paid for electric
3 service expressed on a per kilowatthour basis. For
4 purposes of this subsection (c), the total amount paid for
5 electric service includes without limitation amounts paid
6 for supply, transmission, capacity, distribution,
7 surcharges, and add-on taxes.

8 Notwithstanding the requirements of this subsection
9 (c), the total of renewable energy resources procured
10 under the procurement plan for any single year shall be
11 subject to the limitations of this subparagraph (E). Such
12 procurement shall be reduced for all retail customers
13 based on the amount necessary to limit the annual
14 estimated average net increase due to the costs of these
15 resources included in the amounts paid by eligible retail
16 customers in connection with electric service to no more
17 than 4.25% of the amount paid per kilowatthour by those
18 customers during the year ending May 31, 2009. To arrive
19 at a maximum dollar amount of renewable energy resources
20 to be procured for the particular delivery year, the
21 resulting per kilowatthour amount shall be applied to the
22 actual amount of kilowatthours of electricity delivered,
23 or applicable portion of such amount as specified in
24 paragraph (1) of this subsection (c), as applicable, by
25 the electric utility in the delivery year immediately
26 prior to the procurement to all retail customers in its

1 service territory. The calculations required by this
2 subparagraph (E) shall be made only once for each delivery
3 year at the time that the renewable energy resources are
4 procured. Once the determination as to the amount of
5 renewable energy resources to procure is made based on the
6 calculations set forth in this subparagraph (E) and the
7 contracts procuring those amounts are executed, no
8 subsequent rate impact determinations shall be made and no
9 adjustments to those contract amounts shall be allowed.
10 All costs incurred under such contracts shall be fully
11 recoverable by the electric utility as provided in this
12 Section.

13 (F) If the limitation on the amount of renewable
14 energy resources procured in subparagraph (E) of this
15 paragraph (1) prevents the Agency from meeting all of the
16 goals in this subsection (c), the Agency's long-term plan
17 shall prioritize compliance with the requirements of this
18 subsection (c) regarding renewable energy credits in the
19 following order:

20 (i) renewable energy credits under existing
21 contractual obligations as of June 1, 2021;

22 (i-5) funding for the Illinois Solar for All
23 Program, as described in subparagraph (O) of this
24 paragraph (1);

25 (ii) renewable energy credits necessary to comply
26 with the new wind and new photovoltaic procurement

1 requirements described in items (i) through (iii) of
2 subparagraph (C) of this paragraph (1); and

3 (iii) renewable energy credits necessary to meet
4 the remaining requirements of this subsection (c).

5 (G) The following provisions shall apply to the
6 Agency's procurement of renewable energy credits under
7 this subsection (c):

8 (i) Notwithstanding whether a long-term renewable
9 resources procurement plan has been approved, the
10 Agency shall conduct an initial forward procurement
11 for renewable energy credits from new utility-scale
12 wind projects within 160 days after June 1, 2017 (the
13 effective date of Public Act 99-906). For the purposes
14 of this initial forward procurement, the Agency shall
15 solicit 15-year contracts for delivery of 1,000,000
16 renewable energy credits delivered annually from new
17 utility-scale wind projects to begin delivery on June
18 1, 2019, if available, but not later than June 1, 2021,
19 unless the project has delays in the establishment of
20 an operating interconnection with the applicable
21 transmission or distribution system as a result of the
22 actions or inactions of the transmission or
23 distribution provider, or other causes for force
24 majeure as outlined in the procurement contract, in
25 which case, not later than June 1, 2022. Payments to
26 suppliers of renewable energy credits shall commence

1 upon delivery. Renewable energy credits procured under
2 this initial procurement shall be included in the
3 Agency's long-term plan and shall apply to all
4 renewable energy goals in this subsection (c).

5 (ii) Notwithstanding whether a long-term renewable
6 resources procurement plan has been approved, the
7 Agency shall conduct an initial forward procurement
8 for renewable energy credits from new utility-scale
9 solar projects and brownfield site photovoltaic
10 projects within one year after June 1, 2017 (the
11 effective date of Public Act 99-906). For the purposes
12 of this initial forward procurement, the Agency shall
13 solicit 15-year contracts for delivery of 1,000,000
14 renewable energy credits delivered annually from new
15 utility-scale solar projects and brownfield site
16 photovoltaic projects to begin delivery on June 1,
17 2019, if available, but not later than June 1, 2021,
18 unless the project has delays in the establishment of
19 an operating interconnection with the applicable
20 transmission or distribution system as a result of the
21 actions or inactions of the transmission or
22 distribution provider, or other causes for force
23 majeure as outlined in the procurement contract, in
24 which case, not later than June 1, 2022. The Agency may
25 structure this initial procurement in one or more
26 discrete procurement events. Payments to suppliers of

1 renewable energy credits shall commence upon delivery.
2 Renewable energy credits procured under this initial
3 procurement shall be included in the Agency's
4 long-term plan and shall apply to all renewable energy
5 goals in this subsection (c).

6 (iii) Notwithstanding whether the Commission has
7 approved the periodic long-term renewable resources
8 procurement plan revision described in Section
9 16-111.5 of the Public Utilities Act, the Agency shall
10 conduct at least one subsequent forward procurement
11 for renewable energy credits from new utility-scale
12 wind projects, new utility-scale solar projects, and
13 new brownfield site photovoltaic projects within 240
14 days after the effective date of this amendatory Act
15 of the 102nd General Assembly in quantities necessary
16 to meet the requirements of subparagraph (C) of this
17 paragraph (1) through the delivery year beginning June
18 1, 2021.

19 (iv) Notwithstanding whether the Commission has
20 approved the periodic long-term renewable resources
21 procurement plan revision described in Section
22 16-111.5 of the Public Utilities Act, the Agency shall
23 open capacity for each category in the Adjustable
24 Block program within 90 days after the effective date
25 of this amendatory Act of the 102nd General Assembly
26 manner:

1 (1) The Agency shall open the first block of
2 annual capacity for the category described in item
3 (i) of subparagraph (K) of this paragraph (1). The
4 first block of annual capacity for item (i) shall
5 be for at least 75 megawatts of total nameplate
6 capacity. The price of the renewable energy credit
7 for this block of capacity shall be 4% less than
8 the price of the last open block in this category.
9 Projects on a waitlist shall be awarded contracts
10 first in the order in which they appear on the
11 waitlist. Notwithstanding anything to the
12 contrary, for those renewable energy credits that
13 qualify and are procured under this subitem (1) of
14 this item (iv), the renewable energy credit
15 delivery contract value shall be paid in full,
16 based on the estimated generation during the first
17 15 years of operation, by the contracting
18 utilities at the time that the facility producing
19 the renewable energy credits is interconnected at
20 the distribution system level of the utility and
21 verified as energized and in compliance by the
22 Program Administrator. The electric utility shall
23 receive and retire all renewable energy credits
24 generated by the project for the first 15 years of
25 operation. Renewable energy credits generated by
26 the project thereafter shall not be transferred

1 under the renewable energy credit delivery
2 contract with the counterparty electric utility.

3 (2) The Agency shall open the first block of
4 annual capacity for the category described in item
5 (ii) of subparagraph (K) of this paragraph (1).
6 The first block of annual capacity for item (ii)
7 shall be for at least 75 megawatts of total
8 nameplate capacity.

9 (A) The price of the renewable energy
10 credit for any project on a waitlist for this
11 category before the opening of this block
12 shall be 4% less than the price of the last
13 open block in this category. Projects on the
14 waitlist shall be awarded contracts first in
15 the order in which they appear on the
16 waitlist. Any projects that are less than or
17 equal to 25 kilowatts in size on the waitlist
18 for this capacity shall be moved to the
19 waitlist for paragraph (1) of this item (iv).
20 Notwithstanding anything to the contrary,
21 projects that were on the waitlist prior to
22 opening of this block shall not be required to
23 be in compliance with the requirements of
24 subparagraph (Q) of this paragraph (1) of this
25 subsection (c). Notwithstanding anything to
26 the contrary, for those renewable energy

1 credits procured from projects that were on
2 the waitlist for this category before the
3 opening of this block 20% of the renewable
4 energy credit delivery contract value, based
5 on the estimated generation during the first
6 15 years of operation, shall be paid by the
7 contracting utilities at the time that the
8 facility producing the renewable energy
9 credits is interconnected at the distribution
10 system level of the utility and verified as
11 energized by the Program Administrator. The
12 remaining portion shall be paid ratably over
13 the subsequent 4-year period. The electric
14 utility shall receive and retire all renewable
15 energy credits generated by the project during
16 the first 15 years of operation. Renewable
17 energy credits generated by the project
18 thereafter shall not be transferred under the
19 renewable energy credit delivery contract with
20 the counterparty electric utility.

21 (B) The price of renewable energy credits
22 for any project not on the waitlist for this
23 category before the opening of the block shall
24 be determined and published by the Agency.
25 Projects not on a waitlist as of the opening
26 of this block shall be subject to the

1 requirements of subparagraph (Q) of this
2 paragraph (1), as applicable. Projects not on
3 a waitlist as of the opening of this block
4 shall be subject to the contract provisions
5 outlined in item (iii) of subparagraph (L) of
6 this paragraph (1). The Agency shall strive to
7 publish updated prices and an updated
8 renewable energy credit delivery contract as
9 quickly as possible.

10 (3) For opening the first 2 blocks of annual
11 capacity for projects participating in item (iii)
12 of subparagraph (K) of paragraph (1) of subsection
13 (c), projects shall be selected exclusively from
14 those projects on the ordinal waitlists of
15 community renewable generation projects
16 established by the Agency based on the status of
17 those ordinal waitlists as of December 31, 2020,
18 and only those projects previously determined to
19 be eligible for the Agency's April 2019 community
20 solar project selection process.

21 The first 2 blocks of annual capacity for item
22 (iii) shall be for 250 megawatts of total
23 nameplate capacity, with both blocks opening
24 simultaneously under the schedule outlined in the
25 paragraphs below. Projects shall be selected as
26 follows:

1 (A) The geographic balance of selected
2 projects shall follow the Group classification
3 found in the Agency's Revised Long-Term
4 Renewable Resources Procurement Plan, with 70%
5 of capacity allocated to projects on the Group
6 B waitlist and 30% of capacity allocated to
7 projects on the Group A waitlist.

8 (B) Contract awards for waitlisted
9 projects shall be allocated proportionate to
10 the total nameplate capacity amount across
11 both ordinal waitlists associated with that
12 applicant firm or its affiliates, subject to
13 the following conditions.

14 (i) Each applicant firm having a
15 waitlisted project eligible for selection
16 shall receive no less than 500 kilowatts
17 in awarded capacity across all groups, and
18 no approved vendor may receive more than
19 20% of each Group's waitlist allocation.

20 (ii) Each applicant firm, upon
21 receiving an award of program capacity
22 proportionate to its waitlisted capacity,
23 may then determine which waitlisted
24 projects it chooses to be selected for a
25 contract award up to that capacity amount.

26 (iii) Assuming all other program

1 requirements are met, applicant firms may
2 adjust the nameplate capacity of applicant
3 projects without losing waitlist
4 eligibility, so long as no project is
5 greater than 2,000 kilowatts in size.

6 (iv) Assuming all other program
7 requirements are met, applicant firms may
8 adjust the expected production associated
9 with applicant projects, subject to
10 verification by the Program Administrator.

11 (C) After a review of affiliate
12 information and the current ordinal waitlists,
13 the Agency shall announce the nameplate
14 capacity award amounts associated with
15 applicant firms no later than 90 days after
16 the effective date of this amendatory Act of
17 the 102nd General Assembly.

18 (D) Applicant firms shall submit their
19 portfolio of projects used to satisfy those
20 contract awards no less than 90 days after the
21 Agency's announcement. The total nameplate
22 capacity of all projects used to satisfy that
23 portfolio shall be no greater than the
24 Agency's nameplate capacity award amount
25 associated with that applicant firm. An
26 applicant firm may decline, in whole or in

1 part, its nameplate capacity award without
2 penalty, with such unmet capacity rolled over
3 to the next block opening for project
4 selection under item (iii) of subparagraph (K)
5 of this subsection (c). Any projects not
6 included in an applicant firm's portfolio may
7 reapply without prejudice upon the next block
8 reopening for project selection under item
9 (iii) of subparagraph (K) of this subsection
10 (c).

11 (E) The renewable energy credit delivery
12 contract shall be subject to the contract and
13 payment terms outlined in item (iv) of
14 subparagraph (L) of this subsection (c).
15 Contract instruments used for this
16 subparagraph shall contain the following
17 terms:

18 (i) Renewable energy credit prices
19 shall be fixed, without further adjustment
20 under any other provision of this Act or
21 for any other reason, at 10% lower than
22 prices applicable to the last open block
23 for this category, inclusive of any adders
24 available for achieving a minimum of 50%
25 of subscribers to the project's nameplate
26 capacity being residential or small

1 commercial customers with subscriptions of
2 below 25 kilowatts in size;

3 (ii) A requirement that a minimum of
4 50% of subscribers to the project's
5 nameplate capacity be residential or small
6 commercial customers with subscriptions of
7 below 25 kilowatts in size;

8 (iii) Permission for the ability of a
9 contract holder to substitute projects
10 with other waitlisted projects without
11 penalty should a project receive a
12 non-binding estimate of costs to construct
13 the interconnection facilities and any
14 required distribution upgrades associated
15 with that project of greater than 30 cents
16 per watt AC of that project's nameplate
17 capacity. In developing the applicable
18 contract instrument, the Agency may
19 consider whether other circumstances
20 outside of the control of the applicant
21 firm should also warrant project
22 substitution rights.

23 The Agency shall publish a finalized
24 updated renewable energy credit delivery
25 contract developed consistent with these terms
26 and conditions no less than 30 days before

1 applicant firms must submit their portfolio of
2 projects pursuant to item (D).

3 (F) To be eligible for an award, the
4 applicant firm shall certify that not less
5 than prevailing wage, as determined pursuant
6 to the Illinois Prevailing Wage Act, was or
7 will be paid to employees who are engaged in
8 construction activities associated with a
9 selected project.

10 (4) The Agency shall open the first block of
11 annual capacity for the category described in item
12 (iv) of subparagraph (K) of this paragraph (1).
13 The first block of annual capacity for item (iv)
14 shall be for at least 50 megawatts of total
15 nameplate capacity. Renewable energy credit prices
16 shall be fixed, without further adjustment under
17 any other provision of this Act or for any other
18 reason, at the price in the last open block in the
19 category described in item (ii) of subparagraph
20 (K) of this paragraph (1). Pricing for future
21 blocks of annual capacity for this category may be
22 adjusted in the Agency's second revision to its
23 Long-Term Renewable Resources Procurement Plan.
24 Projects in this category shall be subject to the
25 contract terms outlined in item (iv) of
26 subparagraph (L) of this paragraph (1).

1 (5) The Agency shall open the equivalent of 2
2 years of annual capacity for the category
3 described in item (v) of subparagraph (K) of this
4 paragraph (1). The first block of annual capacity
5 for item (v) shall be for at least 10 megawatts of
6 total nameplate capacity. Notwithstanding the
7 provisions of item (v) of subparagraph (K) of this
8 paragraph (1), for the purpose of this initial
9 block, the agency shall accept new project
10 applications intended to increase the diversity of
11 areas hosting community solar projects, the
12 business models of projects, and the size of
13 projects, as described by the Agency in its
14 long-term renewable resources procurement plan
15 that is approved as of the effective date of this
16 amendatory Act of the 102nd General Assembly.
17 Projects in this category shall be subject to the
18 contract terms outlined in item (iii) of
19 subsection (L) of this paragraph (1).

20 (6) The Agency shall open the first blocks of
21 annual capacity for the category described in item
22 (vi) of subparagraph (K) of this paragraph (1),
23 with allocations of capacity within the block
24 generally matching the historical share of block
25 capacity allocated between the category described
26 in items (i) and (ii) of subparagraph (K) of this

1 paragraph (1). The first two blocks of annual
2 capacity for item (vi) shall be for at least 75
3 megawatts of total nameplate capacity. The price
4 of renewable energy credits for the blocks of
5 capacity shall be 4% less than the price of the
6 last open blocks in the categories described in
7 items (i) and (ii) of subparagraph (K) of this
8 paragraph (1). Pricing for future blocks of annual
9 capacity for this category may be adjusted in the
10 Agency's second revision to its Long-Term
11 Renewable Resources Procurement Plan. Projects in
12 this category shall be subject to the applicable
13 contract terms outlined in items (ii) and (iii) of
14 subparagraph (L) of this paragraph (1).

15 (v) Upon the effective date of this amendatory Act
16 of the 102nd General Assembly, for all competitive
17 procurements and any procurements of renewable energy
18 credit from new utility-scale wind and new
19 utility-scale photovoltaic projects, the Agency shall
20 procure indexed renewable energy credits and direct
21 respondents to offer a strike price.

22 (1) The purchase price of the indexed
23 renewable energy credit payment shall be
24 calculated for each settlement period. That
25 payment, for any settlement period, shall be equal
26 to the difference resulting from subtracting the

1 strike price from the index price for that
2 settlement period. If this difference results in a
3 negative number, the indexed REC counterparty
4 shall owe the seller the absolute value multiplied
5 by the quantity of energy produced in the relevant
6 settlement period. If this difference results in a
7 positive number, the seller shall owe the indexed
8 REC counterparty this amount multiplied by the
9 quantity of energy produced in the relevant
10 settlement period.

11 (2) Parties shall cash settle every month,
12 summing up all settlements (both positive and
13 negative, if applicable) for the prior month.

14 (3) To ensure funding in the annual budget
15 established under subparagraph (E) for indexed
16 renewable energy credit procurements for each year
17 of the term of such contracts, which must have a
18 minimum tenure of 20 calendar years, the
19 procurement administrator, Agency, Commission
20 staff, and procurement monitor shall quantify the
21 annual cost of the contract by utilizing an
22 industry-standard, third-party forward price curve
23 for energy at the appropriate hub or load zone,
24 including the estimated magnitude and timing of
25 the price effects related to federal carbon
26 controls. Each forward price curve shall contain a

1 specific value of the forecasted market price of
2 electricity for each annual delivery year of the
3 contract. For procurement planning purposes, the
4 impact on the annual budget for the cost of
5 indexed renewable energy credits for each delivery
6 year shall be determined as the expected annual
7 contract expenditure for that year, equaling the
8 difference between (i) the sum across all relevant
9 contracts of the applicable strike price
10 multiplied by contract quantity and (ii) the sum
11 across all relevant contracts of the forward price
12 curve for the applicable load zone for that year
13 multiplied by contract quantity. The contracting
14 utility shall not assume an obligation in excess
15 of the estimated annual cost of the contracts for
16 indexed renewable energy credits. Forward curves
17 shall be revised on an annual basis as updated
18 forward price curves are released and filed with
19 the Commission in the proceeding approving the
20 Agency's most recent long-term renewable resources
21 procurement plan. If the expected contract spend
22 is higher or lower than the total quantity of
23 contracts multiplied by the forward price curve
24 value for that year, the forward price curve shall
25 be updated by the procurement administrator, in
26 consultation with the Agency, Commission staff,

1 and procurement monitors, using then-currently
2 available price forecast data and additional
3 budget dollars shall be obligated or reobligated
4 as appropriate.

5 (4) To ensure that indexed renewable energy
6 credit prices remain predictable and affordable,
7 the Agency may consider the institution of a price
8 collar on REC prices paid under indexed renewable
9 energy credit procurements establishing floor and
10 ceiling REC prices applicable to indexed REC
11 contract prices. Any price collars applicable to
12 indexed REC procurements shall be proposed by the
13 Agency through its long-term renewable resources
14 procurement plan.

15 (vi) All procurements under this subparagraph (G)
16 shall comply with the geographic requirements in
17 subparagraph (I) of this paragraph (1) and shall
18 follow the procurement processes and procedures
19 described in this Section and Section 16-111.5 of the
20 Public Utilities Act to the extent practicable, and
21 these processes and procedures may be expedited to
22 accommodate the schedule established by this
23 subparagraph (G).

24 (H) The procurement of renewable energy resources for
25 a given delivery year shall be reduced as described in
26 this subparagraph (H) if an alternative retail electric

1 supplier meets the requirements described in this
2 subparagraph (H).

3 (i) Within 45 days after June 1, 2017 (the
4 effective date of Public Act 99-906), an alternative
5 retail electric supplier or its successor shall submit
6 an informational filing to the Illinois Commerce
7 Commission certifying that, as of December 31, 2015,
8 the alternative retail electric supplier owned one or
9 more electric generating facilities that generates
10 renewable energy resources as defined in Section 1-10
11 of this Act, provided that such facilities are not
12 powered by wind or photovoltaics, and the facilities
13 generate one renewable energy credit for each
14 megawatthour of energy produced from the facility.

15 The informational filing shall identify each
16 facility that was eligible to satisfy the alternative
17 retail electric supplier's obligations under Section
18 16-115D of the Public Utilities Act as described in
19 this item (i).

20 (ii) For a given delivery year, the alternative
21 retail electric supplier may elect to supply its
22 retail customers with renewable energy credits from
23 the facility or facilities described in item (i) of
24 this subparagraph (H) that continue to be owned by the
25 alternative retail electric supplier.

26 (iii) The alternative retail electric supplier

1 shall notify the Agency and the applicable utility, no
2 later than February 28 of the year preceding the
3 applicable delivery year or 15 days after June 1, 2017
4 (the effective date of Public Act 99-906), whichever
5 is later, of its election under item (ii) of this
6 subparagraph (H) to supply renewable energy credits to
7 retail customers of the utility. Such election shall
8 identify the amount of renewable energy credits to be
9 supplied by the alternative retail electric supplier
10 to the utility's retail customers and the source of
11 the renewable energy credits identified in the
12 informational filing as described in item (i) of this
13 subparagraph (H), subject to the following
14 limitations:

15 For the delivery year beginning June 1, 2018,
16 the maximum amount of renewable energy credits to
17 be supplied by an alternative retail electric
18 supplier under this subparagraph (H) shall be 68%
19 multiplied by 25% multiplied by 14.5% multiplied
20 by the amount of metered electricity
21 (megawatt-hours) delivered by the alternative
22 retail electric supplier to Illinois retail
23 customers during the delivery year ending May 31,
24 2016.

25 For delivery years beginning June 1, 2019 and
26 each year thereafter, the maximum amount of

1 renewable energy credits to be supplied by an
2 alternative retail electric supplier under this
3 subparagraph (H) shall be 68% multiplied by 50%
4 multiplied by 16% multiplied by the amount of
5 metered electricity (megawatt-hours) delivered by
6 the alternative retail electric supplier to
7 Illinois retail customers during the delivery year
8 ending May 31, 2016, provided that the 16% value
9 shall increase by 1.5% each delivery year
10 thereafter to 25% by the delivery year beginning
11 June 1, 2025, and thereafter the 25% value shall
12 apply to each delivery year.

13 For each delivery year, the total amount of
14 renewable energy credits supplied by all alternative
15 retail electric suppliers under this subparagraph (H)
16 shall not exceed 9% of the Illinois target renewable
17 energy credit quantity. The Illinois target renewable
18 energy credit quantity for the delivery year beginning
19 June 1, 2018 is 14.5% multiplied by the total amount of
20 metered electricity (megawatt-hours) delivered in the
21 delivery year immediately preceding that delivery
22 year, provided that the 14.5% shall increase by 1.5%
23 each delivery year thereafter to 25% by the delivery
24 year beginning June 1, 2025, and thereafter the 25%
25 value shall apply to each delivery year.

26 If the requirements set forth in items (i) through

1 (iii) of this subparagraph (H) are met, the charges
2 that would otherwise be applicable to the retail
3 customers of the alternative retail electric supplier
4 under paragraph (6) of this subsection (c) for the
5 applicable delivery year shall be reduced by the ratio
6 of the quantity of renewable energy credits supplied
7 by the alternative retail electric supplier compared
8 to that supplier's target renewable energy credit
9 quantity. The supplier's target renewable energy
10 credit quantity for the delivery year beginning June
11 1, 2018 is 14.5% multiplied by the total amount of
12 metered electricity (megawatt-hours) delivered by the
13 alternative retail supplier in that delivery year,
14 provided that the 14.5% shall increase by 1.5% each
15 delivery year thereafter to 25% by the delivery year
16 beginning June 1, 2025, and thereafter the 25% value
17 shall apply to each delivery year.

18 On or before April 1 of each year, the Agency shall
19 annually publish a report on its website that
20 identifies the aggregate amount of renewable energy
21 credits supplied by alternative retail electric
22 suppliers under this subparagraph (H).

23 (I) The Agency shall design its long-term renewable
24 energy procurement plan to maximize the State's interest
25 in the health, safety, and welfare of its residents,
26 including but not limited to minimizing sulfur dioxide,

1 nitrogen oxide, particulate matter and other pollution
2 that adversely affects public health in this State,
3 increasing fuel and resource diversity in this State,
4 enhancing the reliability and resiliency of the
5 electricity distribution system in this State, meeting
6 goals to limit carbon dioxide emissions under federal or
7 State law, and contributing to a cleaner and healthier
8 environment for the citizens of this State. In order to
9 further these legislative purposes, renewable energy
10 credits shall be eligible to be counted toward the
11 renewable energy requirements of this subsection (c) if
12 they are generated from facilities located in this State.
13 The Agency may qualify renewable energy credits from
14 facilities located in states adjacent to Illinois or
15 renewable energy credits associated with the electricity
16 generated by a utility-scale wind energy facility or
17 utility-scale photovoltaic facility and transmitted by a
18 qualifying direct current project described in subsection
19 (b-5) of Section 8-406 of the Public Utilities Act to a
20 delivery point on the electric transmission grid located
21 in this State or a state adjacent to Illinois, if the
22 generator demonstrates and the Agency determines that the
23 operation of such facility or facilities will help promote
24 the State's interest in the health, safety, and welfare of
25 its residents based on the public interest criteria
26 described above. For the purposes of this Section,

1 renewable resources that are delivered via a high voltage
2 direct current converter station located in Illinois shall
3 be deemed generated in Illinois at the time and location
4 the energy is converted to alternating current by the high
5 voltage direct current converter station if the high
6 voltage direct current transmission line: (i) after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly, was constructed with a project labor agreement;
9 (ii) is capable of transmitting electricity at 525kv;
10 (iii) has an Illinois converter station located and
11 interconnected in the region of the PJM Interconnection,
12 LLC; (iv) does not operate as a public utility; and (v) if
13 the high voltage direct current transmission line was
14 energized after June 1, 2023. To ensure that the public
15 interest criteria are applied to the procurement and given
16 full effect, the Agency's long-term procurement plan shall
17 describe in detail how each public interest factor shall
18 be considered and weighted for facilities located in
19 states adjacent to Illinois.

20 (J) In order to promote the competitive development of
21 renewable energy resources in furtherance of the State's
22 interest in the health, safety, and welfare of its
23 residents, renewable energy credits shall not be eligible
24 to be counted toward the renewable energy requirements of
25 this subsection (c) if they are sourced from a generating
26 unit whose costs were being recovered through rates

1 regulated by this State or any other state or states on or
2 after January 1, 2017. Each contract executed to purchase
3 renewable energy credits under this subsection (c) shall
4 provide for the contract's termination if the costs of the
5 generating unit supplying the renewable energy credits
6 subsequently begin to be recovered through rates regulated
7 by this State or any other state or states; and each
8 contract shall further provide that, in that event, the
9 supplier of the credits must return 110% of all payments
10 received under the contract. Amounts returned under the
11 requirements of this subparagraph (J) shall be retained by
12 the utility and all of these amounts shall be used for the
13 procurement of additional renewable energy credits from
14 new wind or new photovoltaic resources as defined in this
15 subsection (c). The long-term plan shall provide that
16 these renewable energy credits shall be procured in the
17 next procurement event.

18 Notwithstanding the limitations of this subparagraph
19 (J), renewable energy credits sourced from generating
20 units that are constructed, purchased, owned, or leased by
21 an electric utility as part of an approved project,
22 program, or pilot under Section 1-56 of this Act shall be
23 eligible to be counted toward the renewable energy
24 requirements of this subsection (c), regardless of how the
25 costs of these units are recovered. As long as a
26 generating unit or an identifiable portion of a generating

1 unit has not had and does not have its costs recovered
2 through rates regulated by this State or any other state,
3 HVDC renewable energy credits associated with that
4 generating unit or identifiable portion thereof shall be
5 eligible to be counted toward the renewable energy
6 requirements of this subsection (c).

7 (K) The long-term renewable resources procurement plan
8 developed by the Agency in accordance with subparagraph
9 (A) of this paragraph (1) shall include an Adjustable
10 Block program for the procurement of renewable energy
11 credits from new photovoltaic projects that are
12 distributed renewable energy generation devices or new
13 photovoltaic community renewable generation projects. The
14 Adjustable Block program shall be generally designed to
15 provide for the steady, predictable, and sustainable
16 growth of new solar photovoltaic development in Illinois.
17 To this end, the Adjustable Block program shall provide a
18 transparent annual schedule of prices and quantities to
19 enable the photovoltaic market to scale up and for
20 renewable energy credit prices to adjust at a predictable
21 rate over time. The prices set by the Adjustable Block
22 program can be reflected as a set value or as the product
23 of a formula.

24 The Adjustable Block program shall include for each
25 category of eligible projects for each delivery year: a
26 single block of nameplate capacity, a price for renewable

1 energy credits within that block, and the terms and
2 conditions for securing a spot on a waitlist once the
3 block is fully committed or reserved. Except as outlined
4 below, the waitlist of projects in a given year will carry
5 over to apply to the subsequent year when another block is
6 opened. Only projects energized on or after June 1, 2017
7 shall be eligible for the Adjustable Block program. For
8 each category for each delivery year the Agency shall
9 determine the amount of generation capacity in each block,
10 and the purchase price for each block, provided that the
11 purchase price provided and the total amount of generation
12 in all blocks for all categories shall be sufficient to
13 meet the goals in this subsection (c). The Agency shall
14 strive to issue a single block sized to provide for
15 stability and market growth. The Agency shall establish
16 program eligibility requirements that ensure that projects
17 that enter the program are sufficiently mature to indicate
18 a demonstrable path to completion. The Agency may
19 periodically review its prior decisions establishing the
20 amount of generation capacity in each block, and the
21 purchase price for each block, and may propose, on an
22 expedited basis, changes to these previously set values,
23 including but not limited to redistributing these amounts
24 and the available funds as necessary and appropriate,
25 subject to Commission approval as part of the periodic
26 plan revision process described in Section 16-111.5 of the

1 Public Utilities Act. The Agency may define different
2 block sizes, purchase prices, or other distinct terms and
3 conditions for projects located in different utility
4 service territories if the Agency deems it necessary to
5 meet the goals in this subsection (c).

6 The Adjustable Block program shall include the
7 following categories in at least the following amounts:

8 (i) At least 20% from distributed renewable energy
9 generation devices with a nameplate capacity of no
10 more than 25 kilowatts.

11 (ii) At least 20% from distributed renewable
12 energy generation devices with a nameplate capacity of
13 more than 25 kilowatts and no more than 5,000
14 kilowatts. The Agency may create sub-categories within
15 this category to account for the differences between
16 projects for small commercial customers, large
17 commercial customers, and public or non-profit
18 customers.

19 (iii) At least 30% from photovoltaic community
20 renewable generation projects. Capacity for this
21 category for the first 2 delivery years after the
22 effective date of this amendatory Act of the 102nd
23 General Assembly shall be allocated to waitlist
24 projects as provided in paragraph (3) of item (iv) of
25 subparagraph (G). Starting in the third delivery year
26 after the effective date of this amendatory Act of the

1 102nd General Assembly or earlier if the Agency
2 determines there is additional capacity needed for to
3 meet previous delivery year requirements, the
4 following shall apply:

5 (1) the Agency shall select projects on a
6 first-come, first-serve basis, however the Agency
7 may suggest additional methods to prioritize
8 projects that are submitted at the same time;

9 (2) projects shall have subscriptions of 25 kW
10 or less for at least 50% of the facility's
11 nameplate capacity and the Agency shall price the
12 renewable energy credits with that as a factor;

13 (3) projects shall not be colocated with one
14 or more other community renewable generation
15 projects, as defined in the Agency's first revised
16 long-term renewable resources procurement plan
17 approved by the Commission on February 18, 2020,
18 such that the aggregate nameplate capacity exceeds
19 5,000 kilowatts; and

20 (4) projects greater than 2 MW may not apply
21 until after the approval of the Agency's revised
22 Long-Term Renewable Resources Procurement Plan
23 after the effective date of this amendatory Act of
24 the 102nd General Assembly.

25 (iv) At least 15% from distributed renewable
26 generation devices or photovoltaic community renewable

1 generation projects installed on ~~at~~ public school land
2 ~~schools~~. The Agency may create subcategories within
3 this category to account for the differences between
4 project size or location. Projects located within
5 environmental justice communities or within
6 Organizational Units that fall within Tier 1 or Tier 2
7 shall be given priority. Each of the Agency's periodic
8 updates to its long-term renewable resources
9 procurement plan to incorporate the procurement
10 described in this subparagraph (iv) shall also include
11 the proposed quantities or blocks, pricing, and
12 contract terms applicable to the procurement as
13 indicated herein. In each such update and procurement,
14 the Agency shall set the renewable energy credit price
15 and establish payment terms for the renewable energy
16 credits procured pursuant to this subparagraph (iv)
17 that make it feasible and affordable for public
18 schools to install photovoltaic distributed renewable
19 energy devices on their premises, including, but not
20 limited to, those public schools subject to the
21 prioritization provisions of this subparagraph. For
22 the purposes of this item (iv):

23 "Environmental Justice Community" shall have the
24 same meaning set forth in the Agency's long-term
25 renewable resources procurement plan;

26 "Organization Unit", "Tier 1" and "Tier 2" shall

1 have the meanings set for in Section 18-8.15 of the
2 School Code;

3 "Public schools" shall have the meaning set forth
4 in Section 1-3 of the School Code and includes public
5 institutions of higher education, as defined in the
6 Board of Higher Education Act.

7 (v) At least 5% from community-driven community
8 solar projects intended to provide more direct and
9 tangible connection and benefits to the communities
10 which they serve or in which they operate and,
11 additionally, to increase the variety of community
12 solar locations, models, and options in Illinois. As
13 part of its long-term renewable resources procurement
14 plan, the Agency shall develop selection criteria for
15 projects participating in this category. Nothing in
16 this Section shall preclude the Agency from creating a
17 selection process that maximizes community ownership
18 and community benefits in selecting projects to
19 receive renewable energy credits. Selection criteria
20 shall include:

21 (1) community ownership or community
22 wealth-building;

23 (2) additional direct and indirect community
24 benefit, beyond project participation as a
25 subscriber, including, but not limited to,
26 economic, environmental, social, cultural, and

1 physical benefits;

2 (3) meaningful involvement in project
3 organization and development by community members
4 or nonprofit organizations or public entities
5 located in or serving the community;

6 (4) engagement in project operations and
7 management by nonprofit organizations, public
8 entities, or community members; and

9 (5) whether a project is developed in response
10 to a site-specific RFP developed by community
11 members or a nonprofit organization or public
12 entity located in or serving the community.

13 Selection criteria may also prioritize projects
14 that:

15 (1) are developed in collaboration with or to
16 provide complementary opportunities for the Clean
17 Jobs Workforce Network Program, the Illinois
18 Climate Works Preapprenticeship Program, the
19 Returning Residents Clean Jobs Training Program,
20 the Clean Energy Contractor Incubator Program, or
21 the Clean Energy Primes Contractor Accelerator
22 Program;

23 (2) increase the diversity of locations of
24 community solar projects in Illinois, including by
25 locating in urban areas and population centers;

26 (3) are located in Equity Investment Eligible

1 Communities;

2 (4) are not greenfield projects;

3 (5) serve only local subscribers;

4 (6) have a nameplate capacity that does not
5 exceed 500 kW;

6 (7) are developed by an equity eligible
7 contractor; or

8 (8) otherwise meaningfully advance the goals
9 of providing more direct and tangible connection
10 and benefits to the communities which they serve
11 or in which they operate and increasing the
12 variety of community solar locations, models, and
13 options in Illinois.

14 For the purposes of this item (v):

15 "Community" means a social unit in which people
16 come together regularly to effect change; a social
17 unit in which participants are marked by a cooperative
18 spirit, a common purpose, or shared interests or
19 characteristics; or a space understood by its
20 residents to be delineated through geographic
21 boundaries or landmarks.

22 "Community benefit" means a range of services and
23 activities that provide affirmative, economic,
24 environmental, social, cultural, or physical value to
25 a community; or a mechanism that enables economic
26 development, high-quality employment, and education

1 opportunities for local workers and residents, or
2 formal monitoring and oversight structures such that
3 community members may ensure that those services and
4 activities respond to local knowledge and needs.

5 "Community ownership" means an arrangement in
6 which an electric generating facility is, or over time
7 will be, in significant part, owned collectively by
8 members of the community to which an electric
9 generating facility provides benefits; members of that
10 community participate in decisions regarding the
11 governance, operation, maintenance, and upgrades of
12 and to that facility; and members of that community
13 benefit from regular use of that facility.

14 Terms and guidance within these criteria that are
15 not defined in this item (v) shall be defined by the
16 Agency, with stakeholder input, during the development
17 of the Agency's long-term renewable resources
18 procurement plan. The Agency shall develop regular
19 opportunities for projects to submit applications for
20 projects under this category, and develop selection
21 criteria that gives preference to projects that better
22 meet individual criteria as well as projects that
23 address a higher number of criteria.

24 (vi) At least 10% from distributed renewable
25 energy generation devices, which includes distributed
26 renewable energy devices with a nameplate capacity

1 under 5,000 kilowatts or photovoltaic community
2 renewable generation projects, from applicants that
3 are equity eligible contractors. The Agency may create
4 subcategories within this category to account for the
5 differences between project size and type. The Agency
6 shall propose to increase the percentage in this item
7 (vi) over time to 40% based on factors, including, but
8 not limited to, the number of equity eligible
9 contractors and capacity used in this item (vi) in
10 previous delivery years.

11 The Agency shall propose a payment structure for
12 contracts executed pursuant to this paragraph under
13 which, upon a demonstration of qualification or need,
14 applicant firms are advanced capital disbursed after
15 contract execution but before the contracted project's
16 energization. The amount or percentage of capital
17 advanced prior to project energization shall be
18 sufficient to both cover any increase in development
19 costs resulting from prevailing wage requirements or
20 project-labor agreements, and designed to overcome
21 barriers in access to capital faced by equity eligible
22 contractors. The amount or percentage of advanced
23 capital may vary by subcategory within this category
24 and by an applicant's demonstration of need, with such
25 levels to be established through the Long-Term
26 Renewable Resources Procurement Plan authorized under

1 subparagraph (A) of paragraph (1) of subsection (c) of
2 this Section.

3 Contracts developed featuring capital advanced
4 prior to a project's energization shall feature
5 provisions to ensure both the successful development
6 of applicant projects and the delivery of the
7 renewable energy credits for the full term of the
8 contract, including ongoing collateral requirements
9 and other provisions deemed necessary by the Agency,
10 and may include energization timelines longer than for
11 comparable project types. The percentage or amount of
12 capital advanced prior to project energization shall
13 not operate to increase the overall contract value,
14 however contracts executed under this subparagraph may
15 feature renewable energy credit prices higher than
16 those offered to similar projects participating in
17 other categories. Capital advanced prior to
18 energization shall serve to reduce the ratable
19 payments made after energization under items (ii) and
20 (iii) of subparagraph (L) or payments made for each
21 renewable energy credit delivery under item (iv) of
22 subparagraph (L).

23 (vii) The remaining capacity shall be allocated by
24 the Agency in order to respond to market demand. The
25 Agency shall allocate any discretionary capacity prior
26 to the beginning of each delivery year.

1 To the extent there is uncontracted capacity from any
2 block in any of categories (i) through (vi) at the end of a
3 delivery year, the Agency shall redistribute that capacity
4 to one or more other categories giving priority to
5 categories with projects on a waitlist. The redistributed
6 capacity shall be added to the annual capacity in the
7 subsequent delivery year, and the price for renewable
8 energy credits shall be the price for the new delivery
9 year. Redistributed capacity shall not be considered
10 redistributed when determining whether the goals in this
11 subsection (K) have been met.

12 Notwithstanding anything to the contrary, as the
13 Agency increases the capacity in item (vi) to 40% over
14 time, the Agency may reduce the capacity of items (i)
15 through (v) proportionate to the capacity of the
16 categories of projects in item (vi), to achieve a balance
17 of project types.

18 The Adjustable Block program shall be designed to
19 ensure that renewable energy credits are procured from
20 projects in diverse locations and are not concentrated in
21 a few regional areas.

22 (L) Notwithstanding provisions for advancing capital
23 prior to project energization found in item (vi) of
24 subparagraph (K), the procurement of photovoltaic
25 renewable energy credits under items (i) through (vi) of
26 subparagraph (K) of this paragraph (1) shall otherwise be

1 subject to the following contract and payment terms:

2 (i) (Blank).

3 (ii) For those renewable energy credits that
4 qualify and are procured under item (i) of
5 subparagraph (K) of this paragraph (1), and any
6 similar category projects that are procured under item
7 (vi) of subparagraph (K) of this paragraph (1) that
8 qualify and are procured under item (vi), the contract
9 length shall be 15 years. The renewable energy credit
10 delivery contract value shall be paid in full, based
11 on the estimated generation during the first 15 years
12 of operation, by the contracting utilities at the time
13 that the facility producing the renewable energy
14 credits is interconnected at the distribution system
15 level of the utility and verified as energized and
16 compliant by the Program Administrator. The electric
17 utility shall receive and retire all renewable energy
18 credits generated by the project for the first 15
19 years of operation. Renewable energy credits generated
20 by the project thereafter shall not be transferred
21 under the renewable energy credit delivery contract
22 with the counterparty electric utility.

23 (iii) For those renewable energy credits that
24 qualify and are procured under item (ii) and (v) of
25 subparagraph (K) of this paragraph (1) and any like
26 projects similar category that qualify and are

1 procured under item (vi), the contract length shall be
2 15 years. 15% of the renewable energy credit delivery
3 contract value, based on the estimated generation
4 during the first 15 years of operation, shall be paid
5 by the contracting utilities at the time that the
6 facility producing the renewable energy credits is
7 interconnected at the distribution system level of the
8 utility and verified as energized and compliant by the
9 Program Administrator. The remaining portion shall be
10 paid ratably over the subsequent 6-year period. The
11 electric utility shall receive and retire all
12 renewable energy credits generated by the project for
13 the first 15 years of operation. Renewable energy
14 credits generated by the project thereafter shall not
15 be transferred under the renewable energy credit
16 delivery contract with the counterparty electric
17 utility.

18 (iv) For those renewable energy credits that
19 qualify and are procured under items (iii) and (iv) of
20 subparagraph (K) of this paragraph (1), and any like
21 projects that qualify and are procured under item
22 (vi), the renewable energy credit delivery contract
23 length shall be 20 years and shall be paid over the
24 delivery term, not to exceed during each delivery year
25 the contract price multiplied by the estimated annual
26 renewable energy credit generation amount. If

1 generation of renewable energy credits during a
2 delivery year exceeds the estimated annual generation
3 amount, the excess renewable energy credits shall be
4 carried forward to future delivery years and shall not
5 expire during the delivery term. If generation of
6 renewable energy credits during a delivery year,
7 including carried forward excess renewable energy
8 credits, if any, is less than the estimated annual
9 generation amount, payments during such delivery year
10 will not exceed the quantity generated plus the
11 quantity carried forward multiplied by the contract
12 price. The electric utility shall receive all
13 renewable energy credits generated by the project
14 during the first 20 years of operation and retire all
15 renewable energy credits paid for under this item (iv)
16 and return at the end of the delivery term all
17 renewable energy credits that were not paid for.
18 Renewable energy credits generated by the project
19 thereafter shall not be transferred under the
20 renewable energy credit delivery contract with the
21 counterparty electric utility. Notwithstanding the
22 preceding, for those projects participating under item
23 (iii) of subparagraph (K), the contract price for a
24 delivery year shall be based on subscription levels as
25 measured on the higher of the first business day of the
26 delivery year or the first business day 6 months after

1 the first business day of the delivery year.
2 Subscription of 90% of nameplate capacity or greater
3 shall be deemed to be fully subscribed for the
4 purposes of this item (iv). For projects receiving a
5 20-year delivery contract, REC prices shall be
6 adjusted downward for consistency with the incentive
7 levels previously determined to be necessary to
8 support projects under 15-year delivery contracts,
9 taking into consideration any additional new
10 requirements placed on the projects, including, but
11 not limited to, labor standards.

12 (v) Each contract shall include provisions to
13 ensure the delivery of the estimated quantity of
14 renewable energy credits and ongoing collateral
15 requirements and other provisions deemed appropriate
16 by the Agency.

17 (vi) The utility shall be the counterparty to the
18 contracts executed under this subparagraph (L) that
19 are approved by the Commission under the process
20 described in Section 16-111.5 of the Public Utilities
21 Act. No contract shall be executed for an amount that
22 is less than one renewable energy credit per year.

23 (vii) If, at any time, approved applications for
24 the Adjustable Block program exceed funds collected by
25 the electric utility or would cause the Agency to
26 exceed the limitation described in subparagraph (E) of

1 this paragraph (1) on the amount of renewable energy
2 resources that may be procured, then the Agency may
3 consider future uncommitted funds to be reserved for
4 these contracts on a first-come, first-served basis.

5 (viii) Nothing in this Section shall require the
6 utility to advance any payment or pay any amounts that
7 exceed the actual amount of revenues anticipated to be
8 collected by the utility under paragraph (6) of this
9 subsection (c) and subsection (k) of Section 16-108 of
10 the Public Utilities Act inclusive of eligible funds
11 collected in prior years and alternative compliance
12 payments for use by the utility, and contracts
13 executed under this Section shall expressly
14 incorporate this limitation.

15 (ix) Notwithstanding other requirements of this
16 subparagraph (L), no modification shall be required to
17 Adjustable Block program contracts if they were
18 already executed prior to the establishment, approval,
19 and implementation of new contract forms as a result
20 of this amendatory Act of the 102nd General Assembly.

21 (x) Contracts may be assignable, but only to
22 entities first deemed by the Agency to have met
23 program terms and requirements applicable to direct
24 program participation. In developing contracts for the
25 delivery of renewable energy credits, the Agency shall
26 be permitted to establish fees applicable to each

1 contract assignment.

2 (M) The Agency shall be authorized to retain one or
3 more experts or expert consulting firms to develop,
4 administer, implement, operate, and evaluate the
5 Adjustable Block program described in subparagraph (K) of
6 this paragraph (1), and the Agency shall retain the
7 consultant or consultants in the same manner, to the
8 extent practicable, as the Agency retains others to
9 administer provisions of this Act, including, but not
10 limited to, the procurement administrator. The selection
11 of experts and expert consulting firms and the procurement
12 process described in this subparagraph (M) are exempt from
13 the requirements of Section 20-10 of the Illinois
14 Procurement Code, under Section 20-10 of that Code. The
15 Agency shall strive to minimize administrative expenses in
16 the implementation of the Adjustable Block program.

17 The Program Administrator may charge application fees
18 to participating firms to cover the cost of program
19 administration. Any application fee amounts shall
20 initially be determined through the long-term renewable
21 resources procurement plan, and modifications to any
22 application fee that deviate more than 25% from the
23 Commission's approved value must be approved by the
24 Commission as a long-term plan revision under Section
25 16-111.5 of the Public Utilities Act. The Agency shall
26 consider stakeholder feedback when making adjustments to

1 application fees and shall notify stakeholders in advance
2 of any planned changes.

3 In addition to covering the costs of program
4 administration, the Agency, in conjunction with its
5 Program Administrator, may also use the proceeds of such
6 fees charged to participating firms to support public
7 education and ongoing regional and national coordination
8 with nonprofit organizations, public bodies, and others
9 engaged in the implementation of renewable energy
10 incentive programs or similar initiatives. This work may
11 include developing papers and reports, hosting regional
12 and national conferences, and other work deemed necessary
13 by the Agency to position the State of Illinois as a
14 national leader in renewable energy incentive program
15 development and administration.

16 The Agency and its consultant or consultants shall
17 monitor block activity, share program activity with
18 stakeholders and conduct quarterly meetings to discuss
19 program activity and market conditions. If necessary, the
20 Agency may make prospective administrative adjustments to
21 the Adjustable Block program design, such as making
22 adjustments to purchase prices as necessary to achieve the
23 goals of this subsection (c). Program modifications to any
24 block price that do not deviate from the Commission's
25 approved value by more than 10% shall take effect
26 immediately and are not subject to Commission review and

1 approval. Program modifications to any block price that
2 deviate more than 10% from the Commission's approved value
3 must be approved by the Commission as a long-term plan
4 amendment under Section 16-111.5 of the Public Utilities
5 Act. The Agency shall consider stakeholder feedback when
6 making adjustments to the Adjustable Block design and
7 shall notify stakeholders in advance of any planned
8 changes.

9 The Agency and its program administrators for both the
10 Adjustable Block program and the Illinois Solar for All
11 Program, consistent with the requirements of this
12 subsection (c) and subsection (b) of Section 1-56 of this
13 Act, shall propose the Adjustable Block program terms,
14 conditions, and requirements, including the prices to be
15 paid for renewable energy credits, where applicable, and
16 requirements applicable to participating entities and
17 project applications, through the development, review, and
18 approval of the Agency's long-term renewable resources
19 procurement plan described in this subsection (c) and
20 paragraph (5) of subsection (b) of Section 16-111.5 of the
21 Public Utilities Act. Terms, conditions, and requirements
22 for program participation shall include the following:

23 (i) The Agency shall establish a registration
24 process for entities seeking to qualify for
25 program-administered incentive funding and establish
26 baseline qualifications for vendor approval. The

1 Agency must maintain a list of approved entities on
2 each program's website, and may revoke a vendor's
3 ability to receive program-administered incentive
4 funding status upon a determination that the vendor
5 failed to comply with contract terms, the law, or
6 other program requirements.

7 (ii) The Agency shall establish program
8 requirements and minimum contract terms to ensure
9 projects are properly installed and produce their
10 expected amounts of energy. Program requirements may
11 include on-site inspections and photo documentation of
12 projects under construction. The Agency may require
13 repairs, alterations, or additions to remedy any
14 material deficiencies discovered. Vendors who have a
15 disproportionately high number of deficient systems
16 may lose their eligibility to continue to receive
17 State-administered incentive funding through Agency
18 programs and procurements.

19 (iii) To discourage deceptive marketing or other
20 bad faith business practices, the Agency may require
21 direct program participants, including agents
22 operating on their behalf, to provide standardized
23 disclosures to a customer prior to that customer's
24 execution of a contract for the development of a
25 distributed generation system or a subscription to a
26 community solar project.

1 (iv) The Agency shall establish one or multiple
2 Consumer Complaints Centers to accept complaints
3 regarding businesses that participate in, or otherwise
4 benefit from, State-administered incentive funding
5 through Agency-administered programs. The Agency shall
6 maintain a public database of complaints with any
7 confidential or particularly sensitive information
8 redacted from public entries.

9 (v) Through a filing in the proceeding for the
10 approval of its long-term renewable energy resources
11 procurement plan, the Agency shall provide an annual
12 written report to the Illinois Commerce Commission
13 documenting the frequency and nature of complaints and
14 any enforcement actions taken in response to those
15 complaints.

16 (vi) The Agency shall schedule regular meetings
17 with representatives of the Office of the Attorney
18 General, the Illinois Commerce Commission, consumer
19 protection groups, and other interested stakeholders
20 to share relevant information about consumer
21 protection, project compliance, and complaints
22 received.

23 (vii) To the extent that complaints received
24 implicate the jurisdiction of the Office of the
25 Attorney General, the Illinois Commerce Commission, or
26 local, State, or federal law enforcement, the Agency

1 shall also refer complaints to those entities as
2 appropriate.

3 (N) The Agency shall establish the terms, conditions,
4 and program requirements for photovoltaic community
5 renewable generation projects with a goal to expand access
6 to a broader group of energy consumers, to ensure robust
7 participation opportunities for residential and small
8 commercial customers and those who cannot install
9 renewable energy on their own properties. Subject to
10 reasonable limitations, any plan approved by the
11 Commission shall allow subscriptions to community
12 renewable generation projects to be portable and
13 transferable. For purposes of this subparagraph (N),
14 "portable" means that subscriptions may be retained by the
15 subscriber even if the subscriber relocates or changes its
16 address within the same utility service territory; and
17 "transferable" means that a subscriber may assign or sell
18 subscriptions to another person within the same utility
19 service territory.

20 Through the development of its long-term renewable
21 resources procurement plan, the Agency may consider
22 whether community renewable generation projects utilizing
23 technologies other than photovoltaics should be supported
24 through State-administered incentive funding, and may
25 issue requests for information to gauge market demand.

26 Electric utilities shall provide a monetary credit to

1 a subscriber's subsequent bill for service for the
2 proportional output of a community renewable generation
3 project attributable to that subscriber as specified in
4 Section 16-107.5 of the Public Utilities Act.

5 The Agency shall purchase renewable energy credits
6 from subscribed shares of photovoltaic community renewable
7 generation projects through the Adjustable Block program
8 described in subparagraph (K) of this paragraph (1) or
9 through the Illinois Solar for All Program described in
10 Section 1-56 of this Act. The electric utility shall
11 purchase any unsubscribed energy from community renewable
12 generation projects that are Qualifying Facilities ("QF")
13 under the electric utility's tariff for purchasing the
14 output from QFs under Public Utilities Regulatory Policies
15 Act of 1978.

16 The owners of and any subscribers to a community
17 renewable generation project shall not be considered
18 public utilities or alternative retail electricity
19 suppliers under the Public Utilities Act solely as a
20 result of their interest in or subscription to a community
21 renewable generation project and shall not be required to
22 become an alternative retail electric supplier by
23 participating in a community renewable generation project
24 with a public utility.

25 (O) For the delivery year beginning June 1, 2018, the
26 long-term renewable resources procurement plan required by

1 this subsection (c) shall provide for the Agency to
2 procure contracts to continue offering the Illinois Solar
3 for All Program described in subsection (b) of Section
4 1-56 of this Act, and the contracts approved by the
5 Commission shall be executed by the utilities that are
6 subject to this subsection (c). The long-term renewable
7 resources procurement plan shall allocate up to
8 \$50,000,000 per delivery year to fund the programs, and
9 the plan shall determine the amount of funding to be
10 apportioned to the programs identified in subsection (b)
11 of Section 1-56 of this Act; provided that for the
12 delivery years beginning June 1, 2021, June 1, 2022, and
13 June 1, 2023, the long-term renewable resources
14 procurement plan may average the annual budgets over a
15 3-year period to account for program ramp-up. For the
16 delivery years beginning June 1, 2021, June 1, 2024, June
17 1, 2027, and June 1, 2030 and additional \$10,000,000 shall
18 be provided to the Department of Commerce and Economic
19 Opportunity to implement the workforce development
20 programs and reporting as outlined in Section 16-108.12 of
21 the Public Utilities Act. In making the determinations
22 required under this subparagraph (O), the Commission shall
23 consider the experience and performance under the programs
24 and any evaluation reports. The Commission shall also
25 provide for an independent evaluation of those programs on
26 a periodic basis that are funded under this subparagraph

1 (O).

2 (P) All programs and procurements under this
3 subsection (c) shall be designed to encourage
4 participating projects to use a diverse and equitable
5 workforce and a diverse set of contractors, including
6 minority-owned businesses, disadvantaged businesses,
7 trade unions, graduates of any workforce training programs
8 administered under this Act, and small businesses.

9 The Agency shall develop a method to optimize
10 procurement of renewable energy credits from proposed
11 utility-scale projects that are located in communities
12 eligible to receive Energy Transition Community Grants
13 pursuant to Section 10-20 of the Energy Community
14 Reinvestment Act. If this requirement conflicts with other
15 provisions of law or the Agency determines that full
16 compliance with the requirements of this subparagraph (P)
17 would be unreasonably costly or administratively
18 impractical, the Agency is to propose alternative
19 approaches to achieve development of renewable energy
20 resources in communities eligible to receive Energy
21 Transition Community Grants pursuant to Section 10-20 of
22 the Energy Community Reinvestment Act or seek an exemption
23 from this requirement from the Commission.

24 (Q) Each facility listed in subitems (i) through
25 (viii) of item (1) of this subparagraph (Q) for which a
26 renewable energy credit delivery contract is signed after

1 the effective date of this amendatory Act of the 102nd
2 General Assembly is subject to the following requirements
3 through the Agency's long-term renewable resources
4 procurement plan:

5 (1) Each facility shall be subject to the
6 prevailing wage requirements included in the
7 Prevailing Wage Act. The Agency shall require
8 verification that all construction performed on the
9 facility by the renewable energy credit delivery
10 contract holder, its contractors, or its
11 subcontractors relating to construction of the
12 facility is performed by construction employees
13 receiving an amount for that work equal to or greater
14 than the general prevailing rate, as that term is
15 defined in Section 3 of the Prevailing Wage Act. For
16 purposes of this item (1), "house of worship" means
17 property that is both (1) used exclusively by a
18 religious society or body of persons as a place for
19 religious exercise or religious worship and (2)
20 recognized as exempt from taxation pursuant to Section
21 15-40 of the Property Tax Code. This item (1) shall
22 apply to any the following:

23 (i) all new utility-scale wind projects;

24 (ii) all new utility-scale photovoltaic
25 projects;

26 (iii) all new brownfield photovoltaic

1 projects;

2 (iv) all new photovoltaic community renewable
3 energy facilities that qualify for item (iii) of
4 subparagraph (K) of this paragraph (1);

5 (v) all new community driven community
6 photovoltaic projects that qualify for item (v) of
7 subparagraph (K) of this paragraph (1);

8 (vi) all new photovoltaic projects on public
9 school land ~~distributed renewable energy~~
10 ~~generation devices on schools~~ that qualify for
11 item (iv) of subparagraph (K) of this paragraph
12 (1);

13 (vii) all new photovoltaic distributed
14 renewable energy generation devices that (1)
15 qualify for item (i) of subparagraph (K) of this
16 paragraph (1); (2) are not projects that serve
17 single-family or multi-family residential
18 buildings; and (3) are not houses of worship where
19 the aggregate capacity including collocated
20 projects would not exceed 100 kilowatts;

21 (viii) all new photovoltaic distributed
22 renewable energy generation devices that (1)
23 qualify for item (ii) of subparagraph (K) of this
24 paragraph (1); (2) are not projects that serve
25 single-family or multi-family residential
26 buildings; and (3) are not houses of worship where

1 the aggregate capacity including collocated
2 projects would not exceed 100 kilowatts.

3 (2) Renewable energy credits procured from new
4 utility-scale wind projects, new utility-scale solar
5 projects, and new brownfield solar projects pursuant
6 to Agency procurement events occurring after the
7 effective date of this amendatory Act of the 102nd
8 General Assembly must be from facilities built by
9 general contractors that must enter into a project
10 labor agreement, as defined by this Act, prior to
11 construction. The project labor agreement shall be
12 filed with the Director in accordance with procedures
13 established by the Agency through its long-term
14 renewable resources procurement plan. Any information
15 submitted to the Agency in this item (2) shall be
16 considered commercially sensitive information. At a
17 minimum, the project labor agreement must provide the
18 names, addresses, and occupations of the owner of the
19 plant and the individuals representing the labor
20 organization employees participating in the project
21 labor agreement consistent with the Project Labor
22 Agreements Act. The agreement must also specify the
23 terms and conditions as defined by this Act.

24 (3) It is the intent of this Section to ensure that
25 economic development occurs across Illinois
26 communities, that emerging businesses may grow, and

1 that there is improved access to the clean energy
2 economy by persons who have greater economic burdens
3 to success. The Agency shall take into consideration
4 the unique cost of compliance of this subparagraph (Q)
5 that might be borne by equity eligible contractors,
6 shall include such costs when determining the price of
7 renewable energy credits in the Adjustable Block
8 program, and shall take such costs into consideration
9 in a nondiscriminatory manner when comparing bids for
10 competitive procurements. The Agency shall consider
11 costs associated with compliance whether in the
12 development, financing, or construction of projects.
13 The Agency shall periodically review the assumptions
14 in these costs and may adjust prices, in compliance
15 with subparagraph (M) of this paragraph (1).

16 (R) In its long-term renewable resources procurement
17 plan, the Agency shall establish a self-direct renewable
18 portfolio standard compliance program for eligible
19 self-direct customers that purchase renewable energy
20 credits from utility-scale wind and solar projects through
21 long-term agreements for purchase of renewable energy
22 credits as described in this Section. Such long-term
23 agreements may include the purchase of energy or other
24 products on a physical or financial basis and may involve
25 an alternative retail electric supplier as defined in
26 Section 16-102 of the Public Utilities Act. This program

1 shall take effect in the delivery year commencing June 1,
2 2023.

3 (1) For the purposes of this subparagraph:

4 "Eligible self-direct customer" means any retail
5 customers of an electric utility that serves 3,000,000
6 or more retail customers in the State and whose total
7 highest 30-minute demand was more than 10,000
8 kilowatts, or any retail customers of an electric
9 utility that serves less than 3,000,000 retail
10 customers but more than 500,000 retail customers in
11 the State and whose total highest 15-minute demand was
12 more than 10,000 kilowatts.

13 "Retail customer" has the meaning set forth in
14 Section 16-102 of the Public Utilities Act and
15 multiple retail customer accounts under the same
16 corporate parent may aggregate their account demands
17 to meet the 10,000 kilowatt threshold. The criteria
18 for determining whether this subparagraph is
19 applicable to a retail customer shall be based on the
20 12 consecutive billing periods prior to the start of
21 the year in which the application is filed.

22 (2) For renewable energy credits to count toward
23 the self-direct renewable portfolio standard
24 compliance program, they must:

25 (i) qualify as renewable energy credits as
26 defined in Section 1-10 of this Act;

1 (ii) be sourced from one or more renewable
2 energy generating facilities that comply with the
3 geographic requirements as set forth in
4 subparagraph (I) of paragraph (1) of subsection
5 (c) as interpreted through the Agency's long-term
6 renewable resources procurement plan, or, where
7 applicable, the geographic requirements that
8 governed utility-scale renewable energy credits at
9 the time the eligible self-direct customer entered
10 into the applicable renewable energy credit
11 purchase agreement;

12 (iii) be procured through long-term contracts
13 with term lengths of at least 10 years either
14 directly with the renewable energy generating
15 facility or through a bundled power purchase
16 agreement, a virtual power purchase agreement, an
17 agreement between the renewable generating
18 facility, an alternative retail electric supplier,
19 and the customer, or such other structure as is
20 permissible under this subparagraph (R);

21 (iv) be equivalent in volume to at least 40%
22 of the eligible self-direct customer's usage,
23 determined annually by the eligible self-direct
24 customer's usage during the previous delivery
25 year, measured to the nearest megawatt-hour;

26 (v) be retired by or on behalf of the large

1 energy customer;

2 (vi) be sourced from new utility-scale wind
3 projects or new utility-scale solar projects; and

4 (vii) if the contracts for renewable energy
5 credits are entered into after the effective date
6 of this amendatory Act of the 102nd General
7 Assembly, the new utility-scale wind projects or
8 new utility-scale solar projects must comply with
9 the requirements established in subparagraphs (P)
10 and (Q) of paragraph (1) of this subsection (c)
11 and subsection (c-10).

12 (3) The self-direct renewable portfolio standard
13 compliance program shall be designed to allow eligible
14 self-direct customers to procure new renewable energy
15 credits from new utility-scale wind projects or new
16 utility-scale photovoltaic projects. The Agency shall
17 annually determine the amount of utility-scale
18 renewable energy credits it will include each year
19 from the self-direct renewable portfolio standard
20 compliance program, subject to receiving qualifying
21 applications. In making this determination, the Agency
22 shall evaluate publicly available analyses and studies
23 of the potential market size for utility-scale
24 renewable energy long-term purchase agreements by
25 commercial and industrial energy customers and make
26 that report publicly available. If demand for

1 participation in the self-direct renewable portfolio
2 standard compliance program exceeds availability, the
3 Agency shall ensure participation is evenly split
4 between commercial and industrial users to the extent
5 there is sufficient demand from both customer classes.
6 Each renewable energy credit procured pursuant to this
7 subparagraph (R) by a self-direct customer shall
8 reduce the total volume of renewable energy credits
9 the Agency is otherwise required to procure from new
10 utility-scale projects pursuant to subparagraph (C) of
11 paragraph (1) of this subsection (c) on behalf of
12 contracting utilities where the eligible self-direct
13 customer is located. The self-direct customer shall
14 file an annual compliance report with the Agency
15 pursuant to terms established by the Agency through
16 its long-term renewable resources procurement plan to
17 be eligible for participation in this program.
18 Customers must provide the Agency with their most
19 recent electricity billing statements or other
20 information deemed necessary by the Agency to
21 demonstrate they are an eligible self-direct customer.

22 (4) The Commission shall approve a reduction in
23 the volumetric charges collected pursuant to Section
24 16-108 of the Public Utilities Act for approved
25 eligible self-direct customers equivalent to the
26 anticipated cost of renewable energy credit deliveries

1 under contracts for new utility-scale wind and new
2 utility-scale solar entered for each delivery year
3 after the large energy customer begins retiring
4 eligible new utility scale renewable energy credits
5 for self-compliance. The self-direct credit amount
6 shall be determined annually and is equal to the
7 estimated portion of the cost authorized by
8 subparagraph (E) of paragraph (1) of this subsection
9 (c) that supported the annual procurement of
10 utility-scale renewable energy credits in the prior
11 delivery year using a methodology described in the
12 long-term renewable resources procurement plan,
13 expressed on a per kilowatthour basis, and does not
14 include (i) costs associated with any contracts
15 entered into before the delivery year in which the
16 customer files the initial compliance report to be
17 eligible for participation in the self-direct program,
18 and (ii) costs associated with procuring renewable
19 energy credits through existing and future contracts
20 through the Adjustable Block Program, subsection (c-5)
21 of this Section 1-75, and the Solar for All Program.
22 The Agency shall assist the Commission in determining
23 the current and future costs. The Agency must
24 determine the self-direct credit amount for new and
25 existing eligible self-direct customers and submit
26 this to the Commission in an annual compliance filing.

1 The Commission must approve the self-direct credit
2 amount by June 1, 2023 and June 1 of each delivery year
3 thereafter.

4 (5) Customers described in this subparagraph (R)
5 shall apply, on a form developed by the Agency, to the
6 Agency to be designated as a self-direct eligible
7 customer. Once the Agency determines that a
8 self-direct customer is eligible for participation in
9 the program, the self-direct customer will remain
10 eligible until the end of the term of the contract.
11 Thereafter, application may be made not less than 12
12 months before the filing date of the long-term
13 renewable resources procurement plan described in this
14 Act. At a minimum, such application shall contain the
15 following:

16 (i) the customer's certification that, at the
17 time of the customer's application, the customer
18 qualifies to be a self-direct eligible customer,
19 including documents demonstrating that
20 qualification;

21 (ii) the customer's certification that the
22 customer has entered into or will enter into by
23 the beginning of the applicable procurement year,
24 one or more bilateral contracts for new wind
25 projects or new photovoltaic projects, including
26 supporting documentation;

1 (iii) certification that the contract or
2 contracts for new renewable energy resources are
3 long-term contracts with term lengths of at least
4 10 years, including supporting documentation;

5 (iv) certification of the quantities of
6 renewable energy credits that the customer will
7 purchase each year under such contract or
8 contracts, including supporting documentation;

9 (v) proof that the contract is sufficient to
10 produce renewable energy credits to be equivalent
11 in volume to at least 40% of the large energy
12 customer's usage from the previous delivery year,
13 measured to the nearest megawatt-hour; and

14 (vi) certification that the customer intends
15 to maintain the contract for the duration of the
16 length of the contract.

17 (6) If a customer receives the self-direct credit
18 but fails to properly procure and retire renewable
19 energy credits as required under this subparagraph
20 (R), the Commission, on petition from the Agency and
21 after notice and hearing, may direct such customer's
22 utility to recover the cost of the wrongfully received
23 self-direct credits plus interest through an adder to
24 charges assessed pursuant to Section 16-108 of the
25 Public Utilities Act. Self-direct customers who
26 knowingly fail to properly procure and retire

1 renewable energy credits and do not notify the Agency
2 are ineligible for continued participation in the
3 self-direct renewable portfolio standard compliance
4 program.

5 (2) (Blank).

6 (3) (Blank).

7 (4) The electric utility shall retire all renewable
8 energy credits used to comply with the standard.

9 (5) Beginning with the 2010 delivery year and ending
10 June 1, 2017, an electric utility subject to this
11 subsection (c) shall apply the lesser of the maximum
12 alternative compliance payment rate or the most recent
13 estimated alternative compliance payment rate for its
14 service territory for the corresponding compliance period,
15 established pursuant to subsection (d) of Section 16-115D
16 of the Public Utilities Act to its retail customers that
17 take service pursuant to the electric utility's hourly
18 pricing tariff or tariffs. The electric utility shall
19 retain all amounts collected as a result of the
20 application of the alternative compliance payment rate or
21 rates to such customers, and, beginning in 2011, the
22 utility shall include in the information provided under
23 item (1) of subsection (d) of Section 16-111.5 of the
24 Public Utilities Act the amounts collected under the
25 alternative compliance payment rate or rates for the prior
26 year ending May 31. Notwithstanding any limitation on the

1 procurement of renewable energy resources imposed by item
2 (2) of this subsection (c), the Agency shall increase its
3 spending on the purchase of renewable energy resources to
4 be procured by the electric utility for the next plan year
5 by an amount equal to the amounts collected by the utility
6 under the alternative compliance payment rate or rates in
7 the prior year ending May 31.

8 (6) The electric utility shall be entitled to recover
9 all of its costs associated with the procurement of
10 renewable energy credits under plans approved under this
11 Section and Section 16-111.5 of the Public Utilities Act.
12 These costs shall include associated reasonable expenses
13 for implementing the procurement programs, including, but
14 not limited to, the costs of administering and evaluating
15 the Adjustable Block program, through an automatic
16 adjustment clause tariff in accordance with subsection (k)
17 of Section 16-108 of the Public Utilities Act.

18 (7) Renewable energy credits procured from new
19 photovoltaic projects or new distributed renewable energy
20 generation devices under this Section after June 1, 2017
21 (the effective date of Public Act 99-906) must be procured
22 from devices installed by a qualified person in compliance
23 with the requirements of Section 16-128A of the Public
24 Utilities Act and any rules or regulations adopted
25 thereunder.

26 In meeting the renewable energy requirements of this

1 subsection (c), to the extent feasible and consistent with
2 State and federal law, the renewable energy credit
3 procurements, Adjustable Block solar program, and
4 community renewable generation program shall provide
5 employment opportunities for all segments of the
6 population and workforce, including minority-owned and
7 female-owned business enterprises, and shall not,
8 consistent with State and federal law, discriminate based
9 on race or socioeconomic status.

10 (c-5) Procurement of renewable energy credits from new
11 renewable energy facilities installed at or adjacent to the
12 sites of electric generating facilities that burn or burned
13 coal as their primary fuel source.

14 (1) In addition to the procurement of renewable energy
15 credits pursuant to long-term renewable resources
16 procurement plans in accordance with subsection (c) of
17 this Section and Section 16-111.5 of the Public Utilities
18 Act, the Agency shall conduct procurement events in
19 accordance with this subsection (c-5) for the procurement
20 by electric utilities that served more than 300,000 retail
21 customers in this State as of January 1, 2019 of renewable
22 energy credits from new renewable energy facilities to be
23 installed at or adjacent to the sites of electric
24 generating facilities that, as of January 1, 2016, burned
25 coal as their primary fuel source and meet the other
26 criteria specified in this subsection (c-5). For purposes

1 of this subsection (c-5), "new renewable energy facility"
2 means a new utility-scale solar project as defined in this
3 Section 1-75. The renewable energy credits procured
4 pursuant to this subsection (c-5) may be included or
5 counted for purposes of compliance with the amounts of
6 renewable energy credits required to be procured pursuant
7 to subsection (c) of this Section to the extent that there
8 are otherwise shortfalls in compliance with such
9 requirements. The procurement of renewable energy credits
10 by electric utilities pursuant to this subsection (c-5)
11 shall be funded solely by revenues collected from the Coal
12 to Solar and Energy Storage Initiative Charge provided for
13 in this subsection (c-5) and subsection (i-5) of Section
14 16-108 of the Public Utilities Act, shall not be funded by
15 revenues collected through any of the other funding
16 mechanisms provided for in subsection (c) of this Section,
17 and shall not be subject to the limitation imposed by
18 subsection (c) on charges to retail customers for costs to
19 procure renewable energy resources pursuant to subsection
20 (c), and shall not be subject to any other requirements or
21 limitations of subsection (c).

22 (2) The Agency shall conduct 2 procurement events to
23 select owners of electric generating facilities meeting
24 the eligibility criteria specified in this subsection
25 (c-5) to enter into long-term contracts to sell renewable
26 energy credits to electric utilities serving more than

1 300,000 retail customers in this State as of January 1,
2 2019. The first procurement event shall be conducted no
3 later than March 31, 2022, unless the Agency elects to
4 delay it, until no later than May 1, 2022, due to its
5 overall volume of work, and shall be to select owners of
6 electric generating facilities located in this State and
7 south of federal Interstate Highway 80 that meet the
8 eligibility criteria specified in this subsection (c-5).
9 The second procurement event shall be conducted no sooner
10 than September 30, 2022 and no later than October 31, 2022
11 and shall be to select owners of electric generating
12 facilities located anywhere in this State that meet the
13 eligibility criteria specified in this subsection (c-5).
14 The Agency shall establish and announce a time period,
15 which shall begin no later than 30 days prior to the
16 scheduled date for the procurement event, during which
17 applicants may submit applications to be selected as
18 suppliers of renewable energy credits pursuant to this
19 subsection (c-5). The eligibility criteria for selection
20 as a supplier of renewable energy credits pursuant to this
21 subsection (c-5) shall be as follows:

22 (A) The applicant owns an electric generating
23 facility located in this State that: (i) as of January
24 1, 2016, burned coal as its primary fuel to generate
25 electricity; and (ii) has, or had prior to retirement,
26 an electric generating capacity of at least 150

1 megawatts. The electric generating facility can be
2 either: (i) retired as of the date of the procurement
3 event; or (ii) still operating as of the date of the
4 procurement event.

5 (B) The applicant is not (i) an electric
6 cooperative as defined in Section 3-119 of the Public
7 Utilities Act, or (ii) an entity described in
8 subsection (b)(1) of Section 3-105 of the Public
9 Utilities Act, or an association or consortium of or
10 an entity owned by entities described in (i) or (ii);
11 and the coal-fueled electric generating facility was
12 at one time owned, in whole or in part, by a public
13 utility as defined in Section 3-105 of the Public
14 Utilities Act.

15 (C) If participating in the first procurement
16 event, the applicant proposes and commits to construct
17 and operate, at the site, and if necessary for
18 sufficient space on property adjacent to the existing
19 property, at which the electric generating facility
20 identified in paragraph (A) is located: (i) a new
21 renewable energy facility of at least 20 megawatts but
22 no more than 100 megawatts of electric generating
23 capacity, and (ii) an energy storage facility having a
24 storage capacity equal to at least 2 megawatts and at
25 most 10 megawatts. If participating in the second
26 procurement event, the applicant proposes and commits

1 to construct and operate, at the site, and if
2 necessary for sufficient space on property adjacent to
3 the existing property, at which the electric
4 generating facility identified in paragraph (A) is
5 located: (i) a new renewable energy facility of at
6 least 5 megawatts but no more than 20 megawatts of
7 electric generating capacity, and (ii) an energy
8 storage facility having a storage capacity equal to at
9 least 0.5 megawatts and at most one megawatt.

10 (D) The applicant agrees that the new renewable
11 energy facility and the energy storage facility will
12 be constructed or installed by a qualified entity or
13 entities in compliance with the requirements of
14 subsection (g) of Section 16-128A of the Public
15 Utilities Act and any rules adopted thereunder.

16 (E) The applicant agrees that personnel operating
17 the new renewable energy facility and the energy
18 storage facility will have the requisite skills,
19 knowledge, training, experience, and competence, which
20 may be demonstrated by completion or current
21 participation and ultimate completion by employees of
22 an accredited or otherwise recognized apprenticeship
23 program for the employee's particular craft, trade, or
24 skill, including through training and education
25 courses and opportunities offered by the owner to
26 employees of the coal-fueled electric generating

1 facility or by previous employment experience
2 performing the employee's particular work skill or
3 function.

4 (F) The applicant commits that not less than the
5 prevailing wage, as determined pursuant to the
6 Prevailing Wage Act, will be paid to the applicant's
7 employees engaged in construction activities
8 associated with the new renewable energy facility and
9 the new energy storage facility and to the employees
10 of applicant's contractors engaged in construction
11 activities associated with the new renewable energy
12 facility and the new energy storage facility, and
13 that, on or before the commercial operation date of
14 the new renewable energy facility, the applicant shall
15 file a report with the Agency certifying that the
16 requirements of this subparagraph (F) have been met.

17 (G) The applicant commits that if selected, it
18 will negotiate a project labor agreement for the
19 construction of the new renewable energy facility and
20 associated energy storage facility that includes
21 provisions requiring the parties to the agreement to
22 work together to establish diversity threshold
23 requirements and to ensure best efforts to meet
24 diversity targets, improve diversity at the applicable
25 job site, create diverse apprenticeship opportunities,
26 and create opportunities to employ former coal-fired

1 power plant workers.

2 (H) The applicant commits to enter into a contract
3 or contracts for the applicable duration to provide
4 specified numbers of renewable energy credits each
5 year from the new renewable energy facility to
6 electric utilities that served more than 300,000
7 retail customers in this State as of January 1, 2019,
8 at a price of \$30 per renewable energy credit. The
9 price per renewable energy credit shall be fixed at
10 \$30 for the applicable duration and the renewable
11 energy credits shall not be indexed renewable energy
12 credits as provided for in item (v) of subparagraph
13 (G) of paragraph (1) of subsection (c) of Section 1-75
14 of this Act. The applicable duration of each contract
15 shall be 20 years, unless the applicant is physically
16 interconnected to the PJM Interconnection, LLC
17 transmission grid and had a generating capacity of at
18 least 1,200 megawatts as of January 1, 2021, in which
19 case the applicable duration of the contract shall be
20 15 years.

21 (I) The applicant's application is certified by an
22 officer of the applicant and by an officer of the
23 applicant's ultimate parent company, if any.

24 (3) An applicant may submit applications to contract
25 to supply renewable energy credits from more than one new
26 renewable energy facility to be constructed at or adjacent

1 to one or more qualifying electric generating facilities
2 owned by the applicant. The Agency may select new
3 renewable energy facilities to be located at or adjacent
4 to the sites of more than one qualifying electric
5 generation facility owned by an applicant to contract with
6 electric utilities to supply renewable energy credits from
7 such facilities.

8 (4) The Agency shall assess fees to each applicant to
9 recover the Agency's costs incurred in receiving and
10 evaluating applications, conducting the procurement event,
11 developing contracts for sale, delivery and purchase of
12 renewable energy credits, and monitoring the
13 administration of such contracts, as provided for in this
14 subsection (c-5), including fees paid to a procurement
15 administrator retained by the Agency for one or more of
16 these purposes.

17 (5) The Agency shall select the applicants and the new
18 renewable energy facilities to contract with electric
19 utilities to supply renewable energy credits in accordance
20 with this subsection (c-5). In the first procurement
21 event, the Agency shall select applicants and new
22 renewable energy facilities to supply renewable energy
23 credits, at a price of \$30 per renewable energy credit,
24 aggregating to no less than 400,000 renewable energy
25 credits per year for the applicable duration, assuming
26 sufficient qualifying applications to supply, in the

1 aggregate, at least that amount of renewable energy
2 credits per year; and not more than 580,000 renewable
3 energy credits per year for the applicable duration. In
4 the second procurement event, the Agency shall select
5 applicants and new renewable energy facilities to supply
6 renewable energy credits, at a price of \$30 per renewable
7 energy credit, aggregating to no more than 625,000
8 renewable energy credits per year less the amount of
9 renewable energy credits each year contracted for as a
10 result of the first procurement event, for the applicable
11 durations. The number of renewable energy credits to be
12 procured as specified in this paragraph (5) shall not be
13 reduced based on renewable energy credits procured in the
14 self-direct renewable energy credit compliance program
15 established pursuant to subparagraph (R) of paragraph (1)
16 of subsection (c) of Section 1-75.

17 (6) The obligation to purchase renewable energy
18 credits from the applicants and their new renewable energy
19 facilities selected by the Agency shall be allocated to
20 the electric utilities based on their respective
21 percentages of kilowatthours delivered to delivery
22 services customers to the aggregate kilowatthour
23 deliveries by the electric utilities to delivery services
24 customers for the year ended December 31, 2021. In order
25 to achieve these allocation percentages between or among
26 the electric utilities, the Agency shall require each

1 applicant that is selected in the procurement event to
2 enter into a contract with each electric utility for the
3 sale and purchase of renewable energy credits from each
4 new renewable energy facility to be constructed and
5 operated by the applicant, with the sale and purchase
6 obligations under the contracts to aggregate to the total
7 number of renewable energy credits per year to be supplied
8 by the applicant from the new renewable energy facility.

9 (7) The Agency shall submit its proposed selection of
10 applicants, new renewable energy facilities to be
11 constructed, and renewable energy credit amounts for each
12 procurement event to the Commission for approval. The
13 Commission shall, within 2 business days after receipt of
14 the Agency's proposed selections, approve the proposed
15 selections if it determines that the applicants and the
16 new renewable energy facilities to be constructed meet the
17 selection criteria set forth in this subsection (c-5) and
18 that the Agency seeks approval for contracts of applicable
19 durations aggregating to no more than the maximum amount
20 of renewable energy credits per year authorized by this
21 subsection (c-5) for the procurement event, at a price of
22 \$30 per renewable energy credit.

23 (8) The Agency, in conjunction with its procurement
24 administrator if one is retained, the electric utilities,
25 and potential applicants for contracts to produce and
26 supply renewable energy credits pursuant to this

1 subsection (c-5), shall develop a standard form contract
2 for the sale, delivery and purchase of renewable energy
3 credits pursuant to this subsection (c-5). Each contract
4 resulting from the first procurement event shall allow for
5 a commercial operation date for the new renewable energy
6 facility of either June 1, 2023 or June 1, 2024, with such
7 dates subject to adjustment as provided in this paragraph.
8 Each contract resulting from the second procurement event
9 shall provide for a commercial operation date on June 1
10 next occurring up to 48 months after execution of the
11 contract. Each contract shall provide that the owner shall
12 receive payments for renewable energy credits for the
13 applicable durations beginning with the commercial
14 operation date of the new renewable energy facility. The
15 form contract shall provide for adjustments to the
16 commercial operation and payment start dates as needed due
17 to any delays in completing the procurement and
18 contracting processes, in finalizing interconnection
19 agreements and installing interconnection facilities, and
20 in obtaining other necessary governmental permits and
21 approvals. The form contract shall be, to the maximum
22 extent possible, consistent with standard electric
23 industry contracts for sale, delivery, and purchase of
24 renewable energy credits while taking into account the
25 specific requirements of this subsection (c-5). The form
26 contract shall provide for over-delivery and

1 under-delivery of renewable energy credits within
2 reasonable ranges during each 12-month period and penalty,
3 default, and enforcement provisions for failure of the
4 selling party to deliver renewable energy credits as
5 specified in the contract and to comply with the
6 requirements of this subsection (c-5). The standard form
7 contract shall specify that all renewable energy credits
8 delivered to the electric utility pursuant to the contract
9 shall be retired. The Agency shall make the proposed
10 contracts available for a reasonable period for comment by
11 potential applicants, and shall publish the final form
12 contract at least 30 days before the date of the first
13 procurement event.

14 (9) Coal to Solar and Energy Storage Initiative
15 Charge.

16 (A) By no later than July 1, 2022, each electric
17 utility that served more than 300,000 retail customers
18 in this State as of January 1, 2019 shall file a tariff
19 with the Commission for the billing and collection of
20 a Coal to Solar and Energy Storage Initiative Charge
21 in accordance with subsection (i-5) of Section 16-108
22 of the Public Utilities Act, with such tariff to be
23 effective, following review and approval or
24 modification by the Commission, beginning January 1,
25 2023. The tariff shall provide for the calculation and
26 setting of the electric utility's Coal to Solar and

1 Energy Storage Initiative Charge to collect revenues
2 estimated to be sufficient, in the aggregate, (i) to
3 enable the electric utility to pay for the renewable
4 energy credits it has contracted to purchase in the
5 delivery year beginning June 1, 2023 and each delivery
6 year thereafter from new renewable energy facilities
7 located at the sites of qualifying electric generating
8 facilities, and (ii) to fund the grant payments to be
9 made in each delivery year by the Department of
10 Commerce and Economic Opportunity, or any successor
11 department or agency, which shall be referred to in
12 this subsection (c-5) as the Department, pursuant to
13 paragraph (10) of this subsection (c-5). The electric
14 utility's tariff shall provide for the billing and
15 collection of the Coal to Solar and Energy Storage
16 Initiative Charge on each kilowatthour of electricity
17 delivered to its delivery services customers within
18 its service territory and shall provide for an annual
19 reconciliation of revenues collected with actual
20 costs, in accordance with subsection (i-5) of Section
21 16-108 of the Public Utilities Act.

22 (B) Each electric utility shall remit on a monthly
23 basis to the State Treasurer, for deposit in the Coal
24 to Solar and Energy Storage Initiative Fund provided
25 for in this subsection (c-5), the electric utility's
26 collections of the Coal to Solar and Energy Storage

1 Initiative Charge in the amount estimated to be needed
2 by the Department for grant payments pursuant to grant
3 contracts entered into by the Department pursuant to
4 paragraph (10) of this subsection (c-5).

5 (10) Coal to Solar and Energy Storage Initiative Fund.

6 (A) The Coal to Solar and Energy Storage
7 Initiative Fund is established as a special fund in
8 the State treasury. The Coal to Solar and Energy
9 Storage Initiative Fund is authorized to receive, by
10 statutory deposit, that portion specified in item (B)
11 of paragraph (9) of this subsection (c-5) of moneys
12 collected by electric utilities through imposition of
13 the Coal to Solar and Energy Storage Initiative Charge
14 required by this subsection (c-5). The Coal to Solar
15 and Energy Storage Initiative Fund shall be
16 administered by the Department to provide grants to
17 support the installation and operation of energy
18 storage facilities at the sites of qualifying electric
19 generating facilities meeting the criteria specified
20 in this paragraph (10).

21 (B) The Coal to Solar and Energy Storage
22 Initiative Fund shall not be subject to sweeps,
23 administrative charges, or chargebacks, including, but
24 not limited to, those authorized under Section 8h of
25 the State Finance Act, that would in any way result in
26 the transfer of those funds from the Coal to Solar and

1 Energy Storage Initiative Fund to any other fund of
2 this State or in having any such funds utilized for any
3 purpose other than the express purposes set forth in
4 this paragraph (10).

5 (C) The Department shall utilize up to
6 \$280,500,000 in the Coal to Solar and Energy Storage
7 Initiative Fund for grants, assuming sufficient
8 qualifying applicants, to support installation of
9 energy storage facilities at the sites of up to 3
10 qualifying electric generating facilities located in
11 the Midcontinent Independent System Operator, Inc.,
12 region in Illinois and the sites of up to 2 qualifying
13 electric generating facilities located in the PJM
14 Interconnection, LLC region in Illinois that meet the
15 criteria set forth in this subparagraph (C). The
16 criteria for receipt of a grant pursuant to this
17 subparagraph (C) are as follows:

18 (1) the electric generating facility at the
19 site has, or had prior to retirement, an electric
20 generating capacity of at least 150 megawatts;

21 (2) the electric generating facility burns (or
22 burned prior to retirement) coal as its primary
23 source of fuel;

24 (3) if the electric generating facility is
25 retired, it was retired subsequent to January 1,
26 2016;

1 (4) the owner of the electric generating
2 facility has not been selected by the Agency
3 pursuant to this subsection (c-5) of this Section
4 to enter into a contract to sell renewable energy
5 credits to one or more electric utilities from a
6 new renewable energy facility located or to be
7 located at or adjacent to the site at which the
8 electric generating facility is located;

9 (5) the electric generating facility located
10 at the site was at one time owned, in whole or in
11 part, by a public utility as defined in Section
12 3-105 of the Public Utilities Act;

13 (6) the electric generating facility at the
14 site is not owned by (i) an electric cooperative
15 as defined in Section 3-119 of the Public
16 Utilities Act, or (ii) an entity described in
17 subsection (b)(1) of Section 3-105 of the Public
18 Utilities Act, or an association or consortium of
19 or an entity owned by entities described in items
20 (i) or (ii);

21 (7) the proposed energy storage facility at
22 the site will have energy storage capacity of at
23 least 37 megawatts;

24 (8) the owner commits to place the energy
25 storage facility into commercial operation on
26 either June 1, 2023, June 1, 2024, or June 1, 2025,

1 with such date subject to adjustment as needed due
2 to any delays in completing the grant contracting
3 process, in finalizing interconnection agreements
4 and in installing interconnection facilities, and
5 in obtaining necessary governmental permits and
6 approvals;

7 (9) the owner agrees that the new energy
8 storage facility will be constructed or installed
9 by a qualified entity or entities consistent with
10 the requirements of subsection (g) of Section
11 16-128A of the Public Utilities Act and any rules
12 adopted under that Section;

13 (10) the owner agrees that personnel operating
14 the energy storage facility will have the
15 requisite skills, knowledge, training, experience,
16 and competence, which may be demonstrated by
17 completion or current participation and ultimate
18 completion by employees of an accredited or
19 otherwise recognized apprenticeship program for
20 the employee's particular craft, trade, or skill,
21 including through training and education courses
22 and opportunities offered by the owner to
23 employees of the coal-fueled electric generating
24 facility or by previous employment experience
25 performing the employee's particular work skill or
26 function;

1 (11) the owner commits that not less than the
2 prevailing wage, as determined pursuant to the
3 Prevailing Wage Act, will be paid to the owner's
4 employees engaged in construction activities
5 associated with the new energy storage facility
6 and to the employees of the owner's contractors
7 engaged in construction activities associated with
8 the new energy storage facility, and that, on or
9 before the commercial operation date of the new
10 energy storage facility, the owner shall file a
11 report with the Department certifying that the
12 requirements of this subparagraph (11) have been
13 met; and

14 (12) the owner commits that if selected to
15 receive a grant, it will negotiate a project labor
16 agreement for the construction of the new energy
17 storage facility that includes provisions
18 requiring the parties to the agreement to work
19 together to establish diversity threshold
20 requirements and to ensure best efforts to meet
21 diversity targets, improve diversity at the
22 applicable job site, create diverse apprenticeship
23 opportunities, and create opportunities to employ
24 former coal-fired power plant workers.

25 The Department shall accept applications for this
26 grant program until March 31, 2022 and shall announce

1 the award of grants no later than June 1, 2022. The
2 Department shall make the grant payments to a
3 recipient in equal annual amounts for 10 years
4 following the date the energy storage facility is
5 placed into commercial operation. The annual grant
6 payments to a qualifying energy storage facility shall
7 be \$110,000 per megawatt of energy storage capacity,
8 with total annual grant payments pursuant to this
9 subparagraph (C) for qualifying energy storage
10 facilities not to exceed \$28,050,000 in any year.

11 (D) Grants of funding for energy storage
12 facilities pursuant to subparagraph (C) of this
13 paragraph (10), from the Coal to Solar and Energy
14 Storage Initiative Fund, shall be memorialized in
15 grant contracts between the Department and the
16 recipient. The grant contracts shall specify the date
17 or dates in each year on which the annual grant
18 payments shall be paid.

19 (E) All disbursements from the Coal to Solar and
20 Energy Storage Initiative Fund shall be made only upon
21 warrants of the Comptroller drawn upon the Treasurer
22 as custodian of the Fund upon vouchers signed by the
23 Director of the Department or by the person or persons
24 designated by the Director of the Department for that
25 purpose. The Comptroller is authorized to draw the
26 warrants upon vouchers so signed. The Treasurer shall

1 accept all written warrants so signed and shall be
2 released from liability for all payments made on those
3 warrants.

4 (11) Diversity, equity, and inclusion plans.

5 (A) Each applicant selected in a procurement event
6 to contract to supply renewable energy credits in
7 accordance with this subsection (c-5) and each owner
8 selected by the Department to receive a grant or
9 grants to support the construction and operation of a
10 new energy storage facility or facilities in
11 accordance with this subsection (c-5) shall, within 60
12 days following the Commission's approval of the
13 applicant to contract to supply renewable energy
14 credits or within 60 days following execution of a
15 grant contract with the Department, as applicable,
16 submit to the Commission a diversity, equity, and
17 inclusion plan setting forth the applicant's or
18 owner's numeric goals for the diversity composition of
19 its supplier entities for the new renewable energy
20 facility or new energy storage facility, as
21 applicable, which shall be referred to for purposes of
22 this paragraph (11) as the project, and the
23 applicant's or owner's action plan and schedule for
24 achieving those goals.

25 (B) For purposes of this paragraph (11), diversity
26 composition shall be based on the percentage, which

1 shall be a minimum of 25%, of eligible expenditures
2 for contract awards for materials and services (which
3 shall be defined in the plan) to business enterprises
4 owned by minority persons, women, or persons with
5 disabilities as defined in Section 2 of the Business
6 Enterprise for Minorities, Women, and Persons with
7 Disabilities Act, to LGBTQ business enterprises, to
8 veteran-owned business enterprises, and to business
9 enterprises located in environmental justice
10 communities. The diversity composition goals of the
11 plan may include eligible expenditures in areas for
12 vendor or supplier opportunities in addition to
13 development and construction of the project, and may
14 exclude from eligible expenditures materials and
15 services with limited market availability, limited
16 production and availability from suppliers in the
17 United States, such as solar panels and storage
18 batteries, and material and services that are subject
19 to critical energy infrastructure or cybersecurity
20 requirements or restrictions. The plan may provide
21 that the diversity composition goals may be met
22 through Tier 1 Direct or Tier 2 subcontracting
23 expenditures or a combination thereof for the project.

24 (C) The plan shall provide for, but not be limited
25 to: (i) internal initiatives, including multi-tier
26 initiatives, by the applicant or owner, or by its

1 engineering, procurement and construction contractor
2 if one is used for the project, which for purposes of
3 this paragraph (11) shall be referred to as the EPC
4 contractor, to enable diverse businesses to be
5 considered fairly for selection to provide materials
6 and services; (ii) requirements for the applicant or
7 owner or its EPC contractor to proactively solicit and
8 utilize diverse businesses to provide materials and
9 services; and (iii) requirements for the applicant or
10 owner or its EPC contractor to hire a diverse
11 workforce for the project. The plan shall include a
12 description of the applicant's or owner's diversity
13 recruiting efforts both for the project and for other
14 areas of the applicant's or owner's business
15 operations. The plan shall provide for the imposition
16 of financial penalties on the applicant's or owner's
17 EPC contractor for failure to exercise best efforts to
18 comply with and execute the EPC contractor's diversity
19 obligations under the plan. The plan may provide for
20 the applicant or owner to set aside a portion of the
21 work on the project to serve as an incubation program
22 for qualified businesses, as specified in the plan,
23 owned by minority persons, women, persons with
24 disabilities, LGBTQ persons, and veterans, and
25 businesses located in environmental justice
26 communities, seeking to enter the renewable energy

1 industry.

2 (D) The applicant or owner may submit a revised or
3 updated plan to the Commission from time to time as
4 circumstances warrant. The applicant or owner shall
5 file annual reports with the Commission detailing the
6 applicant's or owner's progress in implementing its
7 plan and achieving its goals and any modifications the
8 applicant or owner has made to its plan to better
9 achieve its diversity, equity and inclusion goals. The
10 applicant or owner shall file a final report on the
11 fifth June 1 following the commercial operation date
12 of the new renewable energy resource or new energy
13 storage facility, but the applicant or owner shall
14 thereafter continue to be subject to applicable
15 reporting requirements of Section 5-117 of the Public
16 Utilities Act.

17 (c-10) Equity accountability system. It is the purpose of
18 this subsection (c-10) to create an equity accountability
19 system, which includes the minimum equity standards for all
20 renewable energy procurements, the equity category of the
21 Adjustable Block Program, and the equity prioritization for
22 noncompetitive procurements, that is successful in advancing
23 priority access to the clean energy economy for businesses and
24 workers from communities that have been excluded from economic
25 opportunities in the energy sector, have been subject to
26 disproportionate levels of pollution, and have

1 disproportionately experienced negative public health
2 outcomes. Further, it is the purpose of this subsection to
3 ensure that this equity accountability system is successful in
4 advancing equity across Illinois by providing access to the
5 clean energy economy for businesses and workers from
6 communities that have been historically excluded from economic
7 opportunities in the energy sector, have been subject to
8 disproportionate levels of pollution, and have
9 disproportionately experienced negative public health
10 outcomes.

11 (1) Minimum equity standards. The Agency shall create
12 programs with the purpose of increasing access to and
13 development of equity eligible contractors, who are prime
14 contractors and subcontractors, across all of the programs
15 it manages. All applications for renewable energy credit
16 procurements shall comply with specific minimum equity
17 commitments. Starting in the delivery year immediately
18 following the next long-term renewable resources
19 procurement plan, at least 10% of the project workforce
20 for each entity participating in a procurement program
21 outlined in this subsection (c-10) must be done by equity
22 eligible persons or equity eligible contractors. The
23 Agency shall increase the minimum percentage each delivery
24 year thereafter by increments that ensure a statewide
25 average of 30% of the project workforce for each entity
26 participating in a procurement program is done by equity

1 eligible persons or equity eligible contractors by 2030.
2 The Agency shall propose a schedule of percentage
3 increases to the minimum equity standards in its draft
4 revised renewable energy resources procurement plan
5 submitted to the Commission for approval pursuant to
6 paragraph (5) of subsection (b) of Section 16-111.5 of the
7 Public Utilities Act. In determining these annual
8 increases, the Agency shall have the discretion to
9 establish different minimum equity standards for different
10 types of procurements and different regions of the State
11 if the Agency finds that doing so will further the
12 purposes of this subsection (c-10). The proposed schedule
13 of annual increases shall be revisited and updated on an
14 annual basis. Revisions shall be developed with
15 stakeholder input, including from equity eligible persons,
16 equity eligible contractors, clean energy industry
17 representatives, and community-based organizations that
18 work with such persons and contractors.

19 (A) At the start of each delivery year, the Agency
20 shall require a compliance plan from each entity
21 participating in a procurement program of subsection
22 (c) of this Section that demonstrates how they will
23 achieve compliance with the minimum equity standard
24 percentage for work completed in that delivery year.
25 If an entity applies for its approved vendor or
26 designee status between delivery years, the Agency

1 shall require a compliance plan at the time of
2 application.

3 (B) Halfway through each delivery year, the Agency
4 shall require each entity participating in a
5 procurement program to confirm that it will achieve
6 compliance in that delivery year, when applicable. The
7 Agency may offer corrective action plans to entities
8 that are not on track to achieve compliance.

9 (C) At the end of each delivery year, each entity
10 participating and completing work in that delivery
11 year in a procurement program of subsection (c) shall
12 submit a report to the Agency that demonstrates how it
13 achieved compliance with the minimum equity standards
14 percentage for that delivery year.

15 (D) The Agency shall prohibit participation in
16 procurement programs by an approved vendor or
17 designee, as applicable, or entities with which an
18 approved vendor or designee, as applicable, shares a
19 common parent company if an approved vendor or
20 designee, as applicable, failed to meet the minimum
21 equity standards for the prior delivery year. Waivers
22 approved for lack of equity eligible persons or equity
23 eligible contractors in a geographic area of a project
24 shall not count against the approved vendor or
25 designee. The Agency shall offer a corrective action
26 plan for any such entities to assist them in obtaining

1 compliance and shall allow continued access to
2 procurement programs upon an approved vendor or
3 designee demonstrating compliance.

4 (E) The Agency shall pursue efficiencies achieved
5 by combining with other approved vendor or designee
6 reporting.

7 (2) Equity accountability system within the Adjustable
8 Block program. The equity category described in item (vi)
9 of subparagraph (K) of subsection (c) is only available to
10 applicants that are equity eligible contractors.

11 (3) Equity accountability system within competitive
12 procurements. Through its long-term renewable resources
13 procurement plan, the Agency shall develop requirements
14 for ensuring that competitive procurement processes,
15 including utility-scale solar, utility-scale wind, and
16 brownfield site photovoltaic projects, advance the equity
17 goals of this subsection (c-10). Subject to Commission
18 approval, the Agency shall develop bid application
19 requirements and a bid evaluation methodology for ensuring
20 that utilization of equity eligible contractors, whether
21 as bidders or as participants on project development, is
22 optimized, including requiring that winning or successful
23 applicants for utility-scale projects are or will partner
24 with equity eligible contractors and giving preference to
25 bids through which a higher portion of contract value
26 flows to equity eligible contractors. To the extent

1 practicable, entities participating in competitive
2 procurements shall also be required to meet all the equity
3 accountability requirements for approved vendors and their
4 designees under this subsection (c-10). In developing
5 these requirements, the Agency shall also consider whether
6 equity goals can be further advanced through additional
7 measures.

8 (4) In the first revision to the long-term renewable
9 energy resources procurement plan and each revision
10 thereafter, the Agency shall include the following:

11 (A) The current status and number of equity
12 eligible contractors listed in the Energy Workforce
13 Equity Database designed in subsection (c-25),
14 including the number of equity eligible contractors
15 with current certifications as issued by the Agency.

16 (B) A mechanism for measuring, tracking, and
17 reporting project workforce at the approved vendor or
18 designee level, as applicable, which shall include a
19 measurement methodology and records to be made
20 available for audit by the Agency or the Program
21 Administrator.

22 (C) A program for approved vendors, designees,
23 eligible persons, and equity eligible contractors to
24 receive trainings, guidance, and other support from
25 the Agency or its designee regarding the equity
26 category outlined in item (vi) of subparagraph (K) of

1 paragraph (1) of subsection (c) and in meeting the
2 minimum equity standards of this subsection (c-10).

3 (D) A process for certifying equity eligible
4 contractors and equity eligible persons. The
5 certification process shall coordinate with the Energy
6 Workforce Equity Database set forth in subsection
7 (c-25).

8 (E) An application for waiver of the minimum
9 equity standards of this subsection, which the Agency
10 shall have the discretion to grant in rare
11 circumstances. The Agency may grant such a waiver
12 where the applicant provides evidence of significant
13 efforts toward meeting the minimum equity commitment,
14 including: use of the Energy Workforce Equity
15 Database; efforts to hire or contract with entities
16 that hire eligible persons; and efforts to establish
17 contracting relationships with eligible contractors.
18 The Agency shall support applicants in understanding
19 the Energy Workforce Equity Database and other
20 resources for pursuing compliance of the minimum
21 equity standards. Waivers shall be project-specific,
22 unless the Agency deems it necessary to grant a waiver
23 across a portfolio of projects, and in effect for no
24 longer than one year. Any waiver extension or
25 subsequent waiver request from an applicant shall be
26 subject to the requirements of this Section and shall

1 specify efforts made to reach compliance. When
2 considering whether to grant a waiver, and to what
3 extent, the Agency shall consider the degree to which
4 similarly situated applicants have been able to meet
5 these minimum equity commitments. For repeated waiver
6 requests for specific lack of eligible persons or
7 eligible contractors available, the Agency shall make
8 recommendations to target recruitment to add such
9 eligible persons or eligible contractors to the
10 database.

11 (5) The Agency shall collect information about work on
12 projects or portfolios of projects subject to these
13 minimum equity standards to ensure compliance with this
14 subsection (c-10). Reporting in furtherance of this
15 requirement may be combined with other annual reporting
16 requirements. Such reporting shall include proof of
17 certification of each equity eligible contractor or equity
18 eligible person during the applicable time period.

19 (6) The Agency shall keep confidential all information
20 and communication that provides private or personal
21 information.

22 (7) Modifications to the equity accountability system.
23 As part of the update of the long-term renewable resources
24 procurement plan to be initiated in 2023, or sooner if the
25 Agency deems necessary, the Agency shall determine the
26 extent to which the equity accountability system described

1 in this subsection (c-10) has advanced the goals of this
2 amendatory Act of the 102nd General Assembly, including
3 through the inclusion of equity eligible persons and
4 equity eligible contractors in renewable energy credit
5 projects. If the Agency finds that the equity
6 accountability system has failed to meet those goals to
7 its fullest potential, the Agency may revise the following
8 criteria for future Agency procurements: (A) the
9 percentage of project workforce, or other appropriate
10 workforce measure, certified as equity eligible persons or
11 equity eligible contractors; (B) definitions for equity
12 investment eligible persons and equity investment eligible
13 community; and (C) such other modifications necessary to
14 advance the goals of this amendatory Act of the 102nd
15 General Assembly effectively. Such revised criteria may
16 also establish distinct equity accountability systems for
17 different types of procurements or different regions of
18 the State if the Agency finds that doing so will further
19 the purposes of such programs. Revisions shall be
20 developed with stakeholder input, including from equity
21 eligible persons, equity eligible contractors, and
22 community-based organizations that work with such persons
23 and contractors.

24 (c-15) Racial discrimination elimination powers and
25 process.

26 (1) Purpose. It is the purpose of this subsection to

1 empower the Agency and other State actors to remedy racial
2 discrimination in Illinois' clean energy economy as
3 effectively and expediently as possible, including through
4 the use of race-conscious remedies, such as race-conscious
5 contracting and hiring goals, as consistent with State and
6 federal law.

7 (2) Racial disparity and discrimination review
8 process.

9 (A) Within one year after awarding contracts using
10 the equity actions processes established in this
11 Section, the Agency shall publish a report evaluating
12 the effectiveness of the equity actions point criteria
13 of this Section in increasing participation of equity
14 eligible persons and equity eligible contractors. The
15 report shall disaggregate participating workers and
16 contractors by race and ethnicity. The report shall be
17 forwarded to the Governor, the General Assembly, and
18 the Illinois Commerce Commission and be made available
19 to the public.

20 (B) As soon as is practicable thereafter, the
21 Agency, in consultation with the Department of
22 Commerce and Economic Opportunity, Department of
23 Labor, and other agencies that may be relevant, shall
24 commission and publish a disparity and availability
25 study that measures the presence and impact of
26 discrimination on minority businesses and workers in

1 Illinois' clean energy economy. The Agency may hire
2 consultants and experts to conduct the disparity and
3 availability study, with the retention of those
4 consultants and experts exempt from the requirements
5 of Section 20-10 of the Illinois Procurement Code. The
6 Illinois Power Agency shall forward a copy of its
7 findings and recommendations to the Governor, the
8 General Assembly, and the Illinois Commerce
9 Commission. If the disparity and availability study
10 establishes a strong basis in evidence that there is
11 discrimination in Illinois' clean energy economy, the
12 Agency, Department of Commerce and Economic
13 Opportunity, Department of Labor, Department of
14 Corrections, and other appropriate agencies shall take
15 appropriate remedial actions, including race-conscious
16 remedial actions as consistent with State and federal
17 law, to effectively remedy this discrimination. Such
18 remedies may include modification of the equity
19 accountability system as described in subsection
20 (c-10).

21 (c-20) Program data collection.

22 (1) Purpose. Data collection, data analysis, and
23 reporting are critical to ensure that the benefits of the
24 clean energy economy provided to Illinois residents and
25 businesses are equitably distributed across the State. The
26 Agency shall collect data from program applicants in order

1 to track and improve equitable distribution of benefits
2 across Illinois communities for all procurements the
3 Agency conducts. The Agency shall use this data to, among
4 other things, measure any potential impact of racial
5 discrimination on the distribution of benefits and provide
6 information necessary to correct any discrimination
7 through methods consistent with State and federal law.

8 (2) Agency collection of program data. The Agency
9 shall collect demographic and geographic data for each
10 entity awarded contracts under any Agency-administered
11 program.

12 (3) Required information to be collected. The Agency
13 shall collect the following information from applicants
14 and program participants where applicable:

15 (A) demographic information, including racial or
16 ethnic identity for real persons employed, contracted,
17 or subcontracted through the program and owners of
18 businesses or entities that apply to receive renewable
19 energy credits from the Agency;

20 (B) geographic location of the residency of real
21 persons employed, contracted, or subcontracted through
22 the program and geographic location of the
23 headquarters of the business or entity that applies to
24 receive renewable energy credits from the Agency; and

25 (C) any other information the Agency determines is
26 necessary for the purpose of achieving the purpose of

1 this subsection.

2 (4) Publication of collected information. The Agency
3 shall publish, at least annually, information on the
4 demographics of program participants on an aggregate
5 basis.

6 (5) Nothing in this subsection shall be interpreted to
7 limit the authority of the Agency, or other agency or
8 department of the State, to require or collect demographic
9 information from applicants of other State programs.

10 (c-25) Energy Workforce Equity Database.

11 (1) The Agency, in consultation with the Department of
12 Commerce and Economic Opportunity, shall create an Energy
13 Workforce Equity Database, and may contract with a third
14 party to do so ("database program administrator"). If the
15 Department decides to contract with a third party, that
16 third party shall be exempt from the requirements of
17 Section 20-10 of the Illinois Procurement Code. The Energy
18 Workforce Equity Database shall be a searchable database
19 of suppliers, vendors, and subcontractors for clean energy
20 industries that is:

21 (A) publicly accessible;

22 (B) easy for people to find and use;

23 (C) organized by company specialty or field;

24 (D) region-specific; and

25 (E) populated with information including, but not
26 limited to, contacts for suppliers, vendors, or

1 subcontractors who are minority and women-owned
2 business enterprise certified or who participate or
3 have participated in any of the programs described in
4 this Act.

5 (2) The Agency shall create an easily accessible,
6 public facing online tool using the database information
7 that includes, at a minimum, the following:

8 (A) a map of environmental justice and equity
9 investment eligible communities;

10 (B) job postings and recruiting opportunities;

11 (C) a means by which recruiting clean energy
12 companies can find and interact with current or former
13 participants of clean energy workforce training
14 programs;

15 (D) information on workforce training service
16 providers and training opportunities available to
17 prospective workers;

18 (E) renewable energy company diversity reporting;

19 (F) a list of equity eligible contractors with
20 their contact information, types of work performed,
21 and locations worked in;

22 (G) reporting on outcomes of the programs
23 described in the workforce programs of the Energy
24 Transition Act, including information such as, but not
25 limited to, retention rate, graduation rate, and
26 placement rates of trainees; and

1 (H) information about the Jobs and Environmental
2 Justice Grant Program, the Clean Energy Jobs and
3 Justice Fund, and other sources of capital.

4 (3) The Agency shall ensure the database is regularly
5 updated to ensure information is current and shall
6 coordinate with the Department of Commerce and Economic
7 Opportunity to ensure that it includes information on
8 individuals and entities that are or have participated in
9 the Clean Jobs Workforce Network Program, Clean Energy
10 Contractor Incubator Program, Returning Residents Clean
11 Jobs Training Program, or Clean Energy Primes Contractor
12 Accelerator Program.

13 (c-30) Enforcement of minimum equity standards. All
14 entities seeking renewable energy credits must submit an
15 annual report to demonstrate compliance with each of the
16 equity commitments required under subsection (c-10). If the
17 Agency concludes the entity has not met or maintained its
18 minimum equity standards required under the applicable
19 subparagraphs under subsection (c-10), the Agency shall deny
20 the entity's ability to participate in procurement programs in
21 subsection (c), including by withholding approved vendor or
22 designee status. The Agency may require the entity to enter
23 into a corrective action plan. An entity that is not
24 recertified for failing to meet required equity actions in
25 subparagraph (c-10) may reapply once they have a corrective
26 action plan and achieve compliance with the minimum equity

1 standards.

2 (d) Clean coal portfolio standard.

3 (1) The procurement plans shall include electricity
4 generated using clean coal. Each utility shall enter into
5 one or more sourcing agreements with the initial clean
6 coal facility, as provided in paragraph (3) of this
7 subsection (d), covering electricity generated by the
8 initial clean coal facility representing at least 5% of
9 each utility's total supply to serve the load of eligible
10 retail customers in 2015 and each year thereafter, as
11 described in paragraph (3) of this subsection (d), subject
12 to the limits specified in paragraph (2) of this
13 subsection (d). It is the goal of the State that by January
14 1, 2025, 25% of the electricity used in the State shall be
15 generated by cost-effective clean coal facilities. For
16 purposes of this subsection (d), "cost-effective" means
17 that the expenditures pursuant to such sourcing agreements
18 do not cause the limit stated in paragraph (2) of this
19 subsection (d) to be exceeded and do not exceed cost-based
20 benchmarks, which shall be developed to assess all
21 expenditures pursuant to such sourcing agreements covering
22 electricity generated by clean coal facilities, other than
23 the initial clean coal facility, by the procurement
24 administrator, in consultation with the Commission staff,
25 Agency staff, and the procurement monitor and shall be
26 subject to Commission review and approval.

1 A utility party to a sourcing agreement shall
2 immediately retire any emission credits that it receives
3 in connection with the electricity covered by such
4 agreement.

5 Utilities shall maintain adequate records documenting
6 the purchases under the sourcing agreement to comply with
7 this subsection (d) and shall file an accounting with the
8 load forecast that must be filed with the Agency by July 15
9 of each year, in accordance with subsection (d) of Section
10 16-111.5 of the Public Utilities Act.

11 A utility shall be deemed to have complied with the
12 clean coal portfolio standard specified in this subsection
13 (d) if the utility enters into a sourcing agreement as
14 required by this subsection (d).

15 (2) For purposes of this subsection (d), the required
16 execution of sourcing agreements with the initial clean
17 coal facility for a particular year shall be measured as a
18 percentage of the actual amount of electricity
19 (megawatt-hours) supplied by the electric utility to
20 eligible retail customers in the planning year ending
21 immediately prior to the agreement's execution. For
22 purposes of this subsection (d), the amount paid per
23 kilowatthour means the total amount paid for electric
24 service expressed on a per kilowatthour basis. For
25 purposes of this subsection (d), the total amount paid for
26 electric service includes without limitation amounts paid

1 for supply, transmission, distribution, surcharges and
2 add-on taxes.

3 Notwithstanding the requirements of this subsection
4 (d), the total amount paid under sourcing agreements with
5 clean coal facilities pursuant to the procurement plan for
6 any given year shall be reduced by an amount necessary to
7 limit the annual estimated average net increase due to the
8 costs of these resources included in the amounts paid by
9 eligible retail customers in connection with electric
10 service to:

11 (A) in 2010, no more than 0.5% of the amount paid
12 per kilowatthour by those customers during the year
13 ending May 31, 2009;

14 (B) in 2011, the greater of an additional 0.5% of
15 the amount paid per kilowatthour by those customers
16 during the year ending May 31, 2010 or 1% of the amount
17 paid per kilowatthour by those customers during the
18 year ending May 31, 2009;

19 (C) in 2012, the greater of an additional 0.5% of
20 the amount paid per kilowatthour by those customers
21 during the year ending May 31, 2011 or 1.5% of the
22 amount paid per kilowatthour by those customers during
23 the year ending May 31, 2009;

24 (D) in 2013, the greater of an additional 0.5% of
25 the amount paid per kilowatthour by those customers
26 during the year ending May 31, 2012 or 2% of the amount

1 paid per kilowatthour by those customers during the
2 year ending May 31, 2009; and

3 (E) thereafter, the total amount paid under
4 sourcing agreements with clean coal facilities
5 pursuant to the procurement plan for any single year
6 shall be reduced by an amount necessary to limit the
7 estimated average net increase due to the cost of
8 these resources included in the amounts paid by
9 eligible retail customers in connection with electric
10 service to no more than the greater of (i) 2.015% of
11 the amount paid per kilowatthour by those customers
12 during the year ending May 31, 2009 or (ii) the
13 incremental amount per kilowatthour paid for these
14 resources in 2013. These requirements may be altered
15 only as provided by statute.

16 No later than June 30, 2015, the Commission shall
17 review the limitation on the total amount paid under
18 sourcing agreements, if any, with clean coal facilities
19 pursuant to this subsection (d) and report to the General
20 Assembly its findings as to whether that limitation unduly
21 constrains the amount of electricity generated by
22 cost-effective clean coal facilities that is covered by
23 sourcing agreements.

24 (3) Initial clean coal facility. In order to promote
25 development of clean coal facilities in Illinois, each
26 electric utility subject to this Section shall execute a

1 sourcing agreement to source electricity from a proposed
2 clean coal facility in Illinois (the "initial clean coal
3 facility") that will have a nameplate capacity of at least
4 500 MW when commercial operation commences, that has a
5 final Clean Air Act permit on June 1, 2009 (the effective
6 date of Public Act 95-1027), and that will meet the
7 definition of clean coal facility in Section 1-10 of this
8 Act when commercial operation commences. The sourcing
9 agreements with this initial clean coal facility shall be
10 subject to both approval of the initial clean coal
11 facility by the General Assembly and satisfaction of the
12 requirements of paragraph (4) of this subsection (d) and
13 shall be executed within 90 days after any such approval
14 by the General Assembly. The Agency and the Commission
15 shall have authority to inspect all books and records
16 associated with the initial clean coal facility during the
17 term of such a sourcing agreement. A utility's sourcing
18 agreement for electricity produced by the initial clean
19 coal facility shall include:

20 (A) a formula contractual price (the "contract
21 price") approved pursuant to paragraph (4) of this
22 subsection (d), which shall:

23 (i) be determined using a cost of service
24 methodology employing either a level or deferred
25 capital recovery component, based on a capital
26 structure consisting of 45% equity and 55% debt,

1 and a return on equity as may be approved by the
2 Federal Energy Regulatory Commission, which in any
3 case may not exceed the lower of 11.5% or the rate
4 of return approved by the General Assembly
5 pursuant to paragraph (4) of this subsection (d);
6 and

7 (ii) provide that all miscellaneous net
8 revenue, including but not limited to net revenue
9 from the sale of emission allowances, if any,
10 substitute natural gas, if any, grants or other
11 support provided by the State of Illinois or the
12 United States Government, firm transmission
13 rights, if any, by-products produced by the
14 facility, energy or capacity derived from the
15 facility and not covered by a sourcing agreement
16 pursuant to paragraph (3) of this subsection (d)
17 or item (5) of subsection (d) of Section 16-115 of
18 the Public Utilities Act, whether generated from
19 the synthesis gas derived from coal, from SNG, or
20 from natural gas, shall be credited against the
21 revenue requirement for this initial clean coal
22 facility;

23 (B) power purchase provisions, which shall:

24 (i) provide that the utility party to such
25 sourcing agreement shall pay the contract price
26 for electricity delivered under such sourcing

1 agreement;

2 (ii) require delivery of electricity to the
3 regional transmission organization market of the
4 utility that is party to such sourcing agreement;

5 (iii) require the utility party to such
6 sourcing agreement to buy from the initial clean
7 coal facility in each hour an amount of energy
8 equal to all clean coal energy made available from
9 the initial clean coal facility during such hour
10 times a fraction, the numerator of which is such
11 utility's retail market sales of electricity
12 (expressed in kilowatthours sold) in the State
13 during the prior calendar month and the
14 denominator of which is the total retail market
15 sales of electricity (expressed in kilowatthours
16 sold) in the State by utilities during such prior
17 month and the sales of electricity (expressed in
18 kilowatthours sold) in the State by alternative
19 retail electric suppliers during such prior month
20 that are subject to the requirements of this
21 subsection (d) and paragraph (5) of subsection (d)
22 of Section 16-115 of the Public Utilities Act,
23 provided that the amount purchased by the utility
24 in any year will be limited by paragraph (2) of
25 this subsection (d); and

26 (iv) be considered pre-existing contracts in

1 such utility's procurement plans for eligible
2 retail customers;

3 (C) contract for differences provisions, which
4 shall:

5 (i) require the utility party to such sourcing
6 agreement to contract with the initial clean coal
7 facility in each hour with respect to an amount of
8 energy equal to all clean coal energy made
9 available from the initial clean coal facility
10 during such hour times a fraction, the numerator
11 of which is such utility's retail market sales of
12 electricity (expressed in kilowatthours sold) in
13 the utility's service territory in the State
14 during the prior calendar month and the
15 denominator of which is the total retail market
16 sales of electricity (expressed in kilowatthours
17 sold) in the State by utilities during such prior
18 month and the sales of electricity (expressed in
19 kilowatthours sold) in the State by alternative
20 retail electric suppliers during such prior month
21 that are subject to the requirements of this
22 subsection (d) and paragraph (5) of subsection (d)
23 of Section 16-115 of the Public Utilities Act,
24 provided that the amount paid by the utility in
25 any year will be limited by paragraph (2) of this
26 subsection (d);

1 (ii) provide that the utility's payment
2 obligation in respect of the quantity of
3 electricity determined pursuant to the preceding
4 clause (i) shall be limited to an amount equal to
5 (1) the difference between the contract price
6 determined pursuant to subparagraph (A) of
7 paragraph (3) of this subsection (d) and the
8 day-ahead price for electricity delivered to the
9 regional transmission organization market of the
10 utility that is party to such sourcing agreement
11 (or any successor delivery point at which such
12 utility's supply obligations are financially
13 settled on an hourly basis) (the "reference
14 price") on the day preceding the day on which the
15 electricity is delivered to the initial clean coal
16 facility busbar, multiplied by (2) the quantity of
17 electricity determined pursuant to the preceding
18 clause (i); and

19 (iii) not require the utility to take physical
20 delivery of the electricity produced by the
21 facility;

22 (D) general provisions, which shall:

23 (i) specify a term of no more than 30 years,
24 commencing on the commercial operation date of the
25 facility;

26 (ii) provide that utilities shall maintain

1 adequate records documenting purchases under the
2 sourcing agreements entered into to comply with
3 this subsection (d) and shall file an accounting
4 with the load forecast that must be filed with the
5 Agency by July 15 of each year, in accordance with
6 subsection (d) of Section 16-111.5 of the Public
7 Utilities Act;

8 (iii) provide that all costs associated with
9 the initial clean coal facility will be
10 periodically reported to the Federal Energy
11 Regulatory Commission and to purchasers in
12 accordance with applicable laws governing
13 cost-based wholesale power contracts;

14 (iv) permit the Illinois Power Agency to
15 assume ownership of the initial clean coal
16 facility, without monetary consideration and
17 otherwise on reasonable terms acceptable to the
18 Agency, if the Agency so requests no less than 3
19 years prior to the end of the stated contract
20 term;

21 (v) require the owner of the initial clean
22 coal facility to provide documentation to the
23 Commission each year, starting in the facility's
24 first year of commercial operation, accurately
25 reporting the quantity of carbon emissions from
26 the facility that have been captured and

1 sequestered and report any quantities of carbon
2 released from the site or sites at which carbon
3 emissions were sequestered in prior years, based
4 on continuous monitoring of such sites. If, in any
5 year after the first year of commercial operation,
6 the owner of the facility fails to demonstrate
7 that the initial clean coal facility captured and
8 sequestered at least 50% of the total carbon
9 emissions that the facility would otherwise emit
10 or that sequestration of emissions from prior
11 years has failed, resulting in the release of
12 carbon dioxide into the atmosphere, the owner of
13 the facility must offset excess emissions. Any
14 such carbon offsets must be permanent, additional,
15 verifiable, real, located within the State of
16 Illinois, and legally and practicably enforceable.
17 The cost of such offsets for the facility that are
18 not recoverable shall not exceed \$15 million in
19 any given year. No costs of any such purchases of
20 carbon offsets may be recovered from a utility or
21 its customers. All carbon offsets purchased for
22 this purpose and any carbon emission credits
23 associated with sequestration of carbon from the
24 facility must be permanently retired. The initial
25 clean coal facility shall not forfeit its
26 designation as a clean coal facility if the

1 facility fails to fully comply with the applicable
2 carbon sequestration requirements in any given
3 year, provided the requisite offsets are
4 purchased. However, the Attorney General, on
5 behalf of the People of the State of Illinois, may
6 specifically enforce the facility's sequestration
7 requirement and the other terms of this contract
8 provision. Compliance with the sequestration
9 requirements and offset purchase requirements
10 specified in paragraph (3) of this subsection (d)
11 shall be reviewed annually by an independent
12 expert retained by the owner of the initial clean
13 coal facility, with the advance written approval
14 of the Attorney General. The Commission may, in
15 the course of the review specified in item (vii),
16 reduce the allowable return on equity for the
17 facility if the facility willfully fails to comply
18 with the carbon capture and sequestration
19 requirements set forth in this item (v);

20 (vi) include limits on, and accordingly
21 provide for modification of, the amount the
22 utility is required to source under the sourcing
23 agreement consistent with paragraph (2) of this
24 subsection (d);

25 (vii) require Commission review: (1) to
26 determine the justness, reasonableness, and

1 prudence of the inputs to the formula referenced
2 in subparagraphs (A)(i) through (A)(iii) of
3 paragraph (3) of this subsection (d), prior to an
4 adjustment in those inputs including, without
5 limitation, the capital structure and return on
6 equity, fuel costs, and other operations and
7 maintenance costs and (2) to approve the costs to
8 be passed through to customers under the sourcing
9 agreement by which the utility satisfies its
10 statutory obligations. Commission review shall
11 occur no less than every 3 years, regardless of
12 whether any adjustments have been proposed, and
13 shall be completed within 9 months;

14 (viii) limit the utility's obligation to such
15 amount as the utility is allowed to recover
16 through tariffs filed with the Commission,
17 provided that neither the clean coal facility nor
18 the utility waives any right to assert federal
19 pre-emption or any other argument in response to a
20 purported disallowance of recovery costs;

21 (ix) limit the utility's or alternative retail
22 electric supplier's obligation to incur any
23 liability until such time as the facility is in
24 commercial operation and generating power and
25 energy and such power and energy is being
26 delivered to the facility busbar;

1 (x) provide that the owner or owners of the
2 initial clean coal facility, which is the
3 counterparty to such sourcing agreement, shall
4 have the right from time to time to elect whether
5 the obligations of the utility party thereto shall
6 be governed by the power purchase provisions or
7 the contract for differences provisions;

8 (xi) append documentation showing that the
9 formula rate and contract, insofar as they relate
10 to the power purchase provisions, have been
11 approved by the Federal Energy Regulatory
12 Commission pursuant to Section 205 of the Federal
13 Power Act;

14 (xii) provide that any changes to the terms of
15 the contract, insofar as such changes relate to
16 the power purchase provisions, are subject to
17 review under the public interest standard applied
18 by the Federal Energy Regulatory Commission
19 pursuant to Sections 205 and 206 of the Federal
20 Power Act; and

21 (xiii) conform with customary lender
22 requirements in power purchase agreements used as
23 the basis for financing non-utility generators.

24 (4) Effective date of sourcing agreements with the
25 initial clean coal facility. Any proposed sourcing
26 agreement with the initial clean coal facility shall not

1 become effective unless the following reports are prepared
2 and submitted and authorizations and approvals obtained:

3 (i) Facility cost report. The owner of the initial
4 clean coal facility shall submit to the Commission,
5 the Agency, and the General Assembly a front-end
6 engineering and design study, a facility cost report,
7 method of financing (including but not limited to
8 structure and associated costs), and an operating and
9 maintenance cost quote for the facility (collectively
10 "facility cost report"), which shall be prepared in
11 accordance with the requirements of this paragraph (4)
12 of subsection (d) of this Section, and shall provide
13 the Commission and the Agency access to the work
14 papers, relied upon documents, and any other backup
15 documentation related to the facility cost report.

16 (ii) Commission report. Within 6 months following
17 receipt of the facility cost report, the Commission,
18 in consultation with the Agency, shall submit a report
19 to the General Assembly setting forth its analysis of
20 the facility cost report. Such report shall include,
21 but not be limited to, a comparison of the costs
22 associated with electricity generated by the initial
23 clean coal facility to the costs associated with
24 electricity generated by other types of generation
25 facilities, an analysis of the rate impacts on
26 residential and small business customers over the life

1 of the sourcing agreements, and an analysis of the
2 likelihood that the initial clean coal facility will
3 commence commercial operation by and be delivering
4 power to the facility's busbar by 2016. To assist in
5 the preparation of its report, the Commission, in
6 consultation with the Agency, may hire one or more
7 experts or consultants, the costs of which shall be
8 paid for by the owner of the initial clean coal
9 facility. The Commission and Agency may begin the
10 process of selecting such experts or consultants prior
11 to receipt of the facility cost report.

12 (iii) General Assembly approval. The proposed
13 sourcing agreements shall not take effect unless,
14 based on the facility cost report and the Commission's
15 report, the General Assembly enacts authorizing
16 legislation approving (A) the projected price, stated
17 in cents per kilowatthour, to be charged for
18 electricity generated by the initial clean coal
19 facility, (B) the projected impact on residential and
20 small business customers' bills over the life of the
21 sourcing agreements, and (C) the maximum allowable
22 return on equity for the project; and

23 (iv) Commission review. If the General Assembly
24 enacts authorizing legislation pursuant to
25 subparagraph (iii) approving a sourcing agreement, the
26 Commission shall, within 90 days of such enactment,

1 complete a review of such sourcing agreement. During
2 such time period, the Commission shall implement any
3 directive of the General Assembly, resolve any
4 disputes between the parties to the sourcing agreement
5 concerning the terms of such agreement, approve the
6 form of such agreement, and issue an order finding
7 that the sourcing agreement is prudent and reasonable.
8 The facility cost report shall be prepared as follows:

9 (A) The facility cost report shall be prepared by
10 duly licensed engineering and construction firms
11 detailing the estimated capital costs payable to one
12 or more contractors or suppliers for the engineering,
13 procurement and construction of the components
14 comprising the initial clean coal facility and the
15 estimated costs of operation and maintenance of the
16 facility. The facility cost report shall include:

17 (i) an estimate of the capital cost of the
18 core plant based on one or more front end
19 engineering and design studies for the
20 gasification island and related facilities. The
21 core plant shall include all civil, structural,
22 mechanical, electrical, control, and safety
23 systems.

24 (ii) an estimate of the capital cost of the
25 balance of the plant, including any capital costs
26 associated with sequestration of carbon dioxide

1 emissions and all interconnects and interfaces
2 required to operate the facility, such as
3 transmission of electricity, construction or
4 backfeed power supply, pipelines to transport
5 substitute natural gas or carbon dioxide, potable
6 water supply, natural gas supply, water supply,
7 water discharge, landfill, access roads, and coal
8 delivery.

9 The quoted construction costs shall be expressed
10 in nominal dollars as of the date that the quote is
11 prepared and shall include capitalized financing costs
12 during construction, taxes, insurance, and other
13 owner's costs, and an assumed escalation in materials
14 and labor beyond the date as of which the construction
15 cost quote is expressed.

16 (B) The front end engineering and design study for
17 the gasification island and the cost study for the
18 balance of plant shall include sufficient design work
19 to permit quantification of major categories of
20 materials, commodities and labor hours, and receipt of
21 quotes from vendors of major equipment required to
22 construct and operate the clean coal facility.

23 (C) The facility cost report shall also include an
24 operating and maintenance cost quote that will provide
25 the estimated cost of delivered fuel, personnel,
26 maintenance contracts, chemicals, catalysts,

1 consumables, spares, and other fixed and variable
2 operations and maintenance costs. The delivered fuel
3 cost estimate will be provided by a recognized third
4 party expert or experts in the fuel and transportation
5 industries. The balance of the operating and
6 maintenance cost quote, excluding delivered fuel
7 costs, will be developed based on the inputs provided
8 by duly licensed engineering and construction firms
9 performing the construction cost quote, potential
10 vendors under long-term service agreements and plant
11 operating agreements, or recognized third party plant
12 operator or operators.

13 The operating and maintenance cost quote
14 (including the cost of the front end engineering and
15 design study) shall be expressed in nominal dollars as
16 of the date that the quote is prepared and shall
17 include taxes, insurance, and other owner's costs, and
18 an assumed escalation in materials and labor beyond
19 the date as of which the operating and maintenance
20 cost quote is expressed.

21 (D) The facility cost report shall also include an
22 analysis of the initial clean coal facility's ability
23 to deliver power and energy into the applicable
24 regional transmission organization markets and an
25 analysis of the expected capacity factor for the
26 initial clean coal facility.

1 (E) Amounts paid to third parties unrelated to the
2 owner or owners of the initial clean coal facility to
3 prepare the core plant construction cost quote,
4 including the front end engineering and design study,
5 and the operating and maintenance cost quote will be
6 reimbursed through Coal Development Bonds.

7 (5) Re-powering and retrofitting coal-fired power
8 plants previously owned by Illinois utilities to qualify
9 as clean coal facilities. During the 2009 procurement
10 planning process and thereafter, the Agency and the
11 Commission shall consider sourcing agreements covering
12 electricity generated by power plants that were previously
13 owned by Illinois utilities and that have been or will be
14 converted into clean coal facilities, as defined by
15 Section 1-10 of this Act. Pursuant to such procurement
16 planning process, the owners of such facilities may
17 propose to the Agency sourcing agreements with utilities
18 and alternative retail electric suppliers required to
19 comply with subsection (d) of this Section and item (5) of
20 subsection (d) of Section 16-115 of the Public Utilities
21 Act, covering electricity generated by such facilities. In
22 the case of sourcing agreements that are power purchase
23 agreements, the contract price for electricity sales shall
24 be established on a cost of service basis. In the case of
25 sourcing agreements that are contracts for differences,
26 the contract price from which the reference price is

1 subtracted shall be established on a cost of service
2 basis. The Agency and the Commission may approve any such
3 utility sourcing agreements that do not exceed cost-based
4 benchmarks developed by the procurement administrator, in
5 consultation with the Commission staff, Agency staff and
6 the procurement monitor, subject to Commission review and
7 approval. The Commission shall have authority to inspect
8 all books and records associated with these clean coal
9 facilities during the term of any such contract.

10 (6) Costs incurred under this subsection (d) or
11 pursuant to a contract entered into under this subsection
12 (d) shall be deemed prudently incurred and reasonable in
13 amount and the electric utility shall be entitled to full
14 cost recovery pursuant to the tariffs filed with the
15 Commission.

16 (d-5) Zero emission standard.

17 (1) Beginning with the delivery year commencing on
18 June 1, 2017, the Agency shall, for electric utilities
19 that serve at least 100,000 retail customers in this
20 State, procure contracts with zero emission facilities
21 that are reasonably capable of generating cost-effective
22 zero emission credits in an amount approximately equal to
23 16% of the actual amount of electricity delivered by each
24 electric utility to retail customers in the State during
25 calendar year 2014. For an electric utility serving fewer
26 than 100,000 retail customers in this State that

1 requested, under Section 16-111.5 of the Public Utilities
2 Act, that the Agency procure power and energy for all or a
3 portion of the utility's Illinois load for the delivery
4 year commencing June 1, 2016, the Agency shall procure
5 contracts with zero emission facilities that are
6 reasonably capable of generating cost-effective zero
7 emission credits in an amount approximately equal to 16%
8 of the portion of power and energy to be procured by the
9 Agency for the utility. The duration of the contracts
10 procured under this subsection (d-5) shall be for a term
11 of 10 years ending May 31, 2027. The quantity of zero
12 emission credits to be procured under the contracts shall
13 be all of the zero emission credits generated by the zero
14 emission facility in each delivery year; however, if the
15 zero emission facility is owned by more than one entity,
16 then the quantity of zero emission credits to be procured
17 under the contracts shall be the amount of zero emission
18 credits that are generated from the portion of the zero
19 emission facility that is owned by the winning supplier.

20 The 16% value identified in this paragraph (1) is the
21 average of the percentage targets in subparagraph (B) of
22 paragraph (1) of subsection (c) of this Section for the 5
23 delivery years beginning June 1, 2017.

24 The procurement process shall be subject to the
25 following provisions:

26 (A) Those zero emission facilities that intend to

1 participate in the procurement shall submit to the
2 Agency the following eligibility information for each
3 zero emission facility on or before the date
4 established by the Agency:

5 (i) the in-service date and remaining useful
6 life of the zero emission facility;

7 (ii) the amount of power generated annually
8 for each of the years 2005 through 2015, and the
9 projected zero emission credits to be generated
10 over the remaining useful life of the zero
11 emission facility, which shall be used to
12 determine the capability of each facility;

13 (iii) the annual zero emission facility cost
14 projections, expressed on a per megawatthour
15 basis, over the next 6 delivery years, which shall
16 include the following: operation and maintenance
17 expenses; fully allocated overhead costs, which
18 shall be allocated using the methodology developed
19 by the Institute for Nuclear Power Operations;
20 fuel expenditures; non-fuel capital expenditures;
21 spent fuel expenditures; a return on working
22 capital; the cost of operational and market risks
23 that could be avoided by ceasing operation; and
24 any other costs necessary for continued
25 operations, provided that "necessary" means, for
26 purposes of this item (iii), that the costs could

1 reasonably be avoided only by ceasing operations
2 of the zero emission facility; and

3 (iv) a commitment to continue operating, for
4 the duration of the contract or contracts executed
5 under the procurement held under this subsection
6 (d-5), the zero emission facility that produces
7 the zero emission credits to be procured in the
8 procurement.

9 The information described in item (iii) of this
10 subparagraph (A) may be submitted on a confidential
11 basis and shall be treated and maintained by the
12 Agency, the procurement administrator, and the
13 Commission as confidential and proprietary and exempt
14 from disclosure under subparagraphs (a) and (g) of
15 paragraph (1) of Section 7 of the Freedom of
16 Information Act. The Office of Attorney General shall
17 have access to, and maintain the confidentiality of,
18 such information pursuant to Section 6.5 of the
19 Attorney General Act.

20 (B) The price for each zero emission credit
21 procured under this subsection (d-5) for each delivery
22 year shall be in an amount that equals the Social Cost
23 of Carbon, expressed on a price per megawatthour
24 basis. However, to ensure that the procurement remains
25 affordable to retail customers in this State if
26 electricity prices increase, the price in an

1 applicable delivery year shall be reduced below the
2 Social Cost of Carbon by the amount ("Price
3 Adjustment") by which the market price index for the
4 applicable delivery year exceeds the baseline market
5 price index for the consecutive 12-month period ending
6 May 31, 2016. If the Price Adjustment is greater than
7 or equal to the Social Cost of Carbon in an applicable
8 delivery year, then no payments shall be due in that
9 delivery year. The components of this calculation are
10 defined as follows:

11 (i) Social Cost of Carbon: The Social Cost of
12 Carbon is \$16.50 per megawatthour, which is based
13 on the U.S. Interagency Working Group on Social
14 Cost of Carbon's price in the August 2016
15 Technical Update using a 3% discount rate,
16 adjusted for inflation for each year of the
17 program. Beginning with the delivery year
18 commencing June 1, 2023, the price per
19 megawatthour shall increase by \$1 per
20 megawatthour, and continue to increase by an
21 additional \$1 per megawatthour each delivery year
22 thereafter.

23 (ii) Baseline market price index: The baseline
24 market price index for the consecutive 12-month
25 period ending May 31, 2016 is \$31.40 per
26 megawatthour, which is based on the sum of (aa)

1 the average day-ahead energy price across all
2 hours of such 12-month period at the PJM
3 Interconnection LLC Northern Illinois Hub, (bb)
4 50% multiplied by the Base Residual Auction, or
5 its successor, capacity price for the rest of the
6 RTO zone group determined by PJM Interconnection
7 LLC, divided by 24 hours per day, and (cc) 50%
8 multiplied by the Planning Resource Auction, or
9 its successor, capacity price for Zone 4
10 determined by the Midcontinent Independent System
11 Operator, Inc., divided by 24 hours per day.

12 (iii) Market price index: The market price
13 index for a delivery year shall be the sum of
14 projected energy prices and projected capacity
15 prices determined as follows:

16 (aa) Projected energy prices: the
17 projected energy prices for the applicable
18 delivery year shall be calculated once for the
19 year using the forward market price for the
20 PJM Interconnection, LLC Northern Illinois
21 Hub. The forward market price shall be
22 calculated as follows: the energy forward
23 prices for each month of the applicable
24 delivery year averaged for each trade date
25 during the calendar year immediately preceding
26 that delivery year to produce a single energy

1 forward price for the delivery year. The
2 forward market price calculation shall use
3 data published by the Intercontinental
4 Exchange, or its successor.

5 (bb) Projected capacity prices:

6 (I) For the delivery years commencing
7 June 1, 2017, June 1, 2018, and June 1,
8 2019, the projected capacity price shall
9 be equal to the sum of (1) 50% multiplied
10 by the Base Residual Auction, or its
11 successor, price for the rest of the RTO
12 zone group as determined by PJM
13 Interconnection LLC, divided by 24 hours
14 per day and, (2) 50% multiplied by the
15 resource auction price determined in the
16 resource auction administered by the
17 Midcontinent Independent System Operator,
18 Inc., in which the largest percentage of
19 load cleared for Local Resource Zone 4,
20 divided by 24 hours per day, and where
21 such price is determined by the
22 Midcontinent Independent System Operator,
23 Inc.

24 (II) For the delivery year commencing
25 June 1, 2020, and each year thereafter,
26 the projected capacity price shall be

1 equal to the sum of (1) 50% multiplied by
2 the Base Residual Auction, or its
3 successor, price for the ComEd zone as
4 determined by PJM Interconnection LLC,
5 divided by 24 hours per day, and (2) 50%
6 multiplied by the resource auction price
7 determined in the resource auction
8 administered by the Midcontinent
9 Independent System Operator, Inc., in
10 which the largest percentage of load
11 cleared for Local Resource Zone 4, divided
12 by 24 hours per day, and where such price
13 is determined by the Midcontinent
14 Independent System Operator, Inc.

15 For purposes of this subsection (d-5):

16 "Rest of the RTO" and "ComEd Zone" shall have
17 the meaning ascribed to them by PJM
18 Interconnection, LLC.

19 "RTO" means regional transmission
20 organization.

21 (C) No later than 45 days after June 1, 2017 (the
22 effective date of Public Act 99-906), the Agency shall
23 publish its proposed zero emission standard
24 procurement plan. The plan shall be consistent with
25 the provisions of this paragraph (1) and shall provide
26 that winning bids shall be selected based on public

1 interest criteria that include, but are not limited
2 to, minimizing carbon dioxide emissions that result
3 from electricity consumed in Illinois and minimizing
4 sulfur dioxide, nitrogen oxide, and particulate matter
5 emissions that adversely affect the citizens of this
6 State. In particular, the selection of winning bids
7 shall take into account the incremental environmental
8 benefits resulting from the procurement, such as any
9 existing environmental benefits that are preserved by
10 the procurements held under Public Act 99-906 and
11 would cease to exist if the procurements were not
12 held, including the preservation of zero emission
13 facilities. The plan shall also describe in detail how
14 each public interest factor shall be considered and
15 weighted in the bid selection process to ensure that
16 the public interest criteria are applied to the
17 procurement and given full effect.

18 For purposes of developing the plan, the Agency
19 shall consider any reports issued by a State agency,
20 board, or commission under House Resolution 1146 of
21 the 98th General Assembly and paragraph (4) of
22 subsection (d) of this Section, as well as publicly
23 available analyses and studies performed by or for
24 regional transmission organizations that serve the
25 State and their independent market monitors.

26 Upon publishing of the zero emission standard

1 procurement plan, copies of the plan shall be posted
2 and made publicly available on the Agency's website.
3 All interested parties shall have 10 days following
4 the date of posting to provide comment to the Agency on
5 the plan. All comments shall be posted to the Agency's
6 website. Following the end of the comment period, but
7 no more than 60 days later than June 1, 2017 (the
8 effective date of Public Act 99-906), the Agency shall
9 revise the plan as necessary based on the comments
10 received and file its zero emission standard
11 procurement plan with the Commission.

12 If the Commission determines that the plan will
13 result in the procurement of cost-effective zero
14 emission credits, then the Commission shall, after
15 notice and hearing, but no later than 45 days after the
16 Agency filed the plan, approve the plan or approve
17 with modification. For purposes of this subsection
18 (d-5), "cost effective" means the projected costs of
19 procuring zero emission credits from zero emission
20 facilities do not cause the limit stated in paragraph
21 (2) of this subsection to be exceeded.

22 (C-5) As part of the Commission's review and
23 acceptance or rejection of the procurement results,
24 the Commission shall, in its public notice of
25 successful bidders:

26 (i) identify how the winning bids satisfy the

1 public interest criteria described in subparagraph
2 (C) of this paragraph (1) of minimizing carbon
3 dioxide emissions that result from electricity
4 consumed in Illinois and minimizing sulfur
5 dioxide, nitrogen oxide, and particulate matter
6 emissions that adversely affect the citizens of
7 this State;

8 (ii) specifically address how the selection of
9 winning bids takes into account the incremental
10 environmental benefits resulting from the
11 procurement, including any existing environmental
12 benefits that are preserved by the procurements
13 held under Public Act 99-906 and would have ceased
14 to exist if the procurements had not been held,
15 such as the preservation of zero emission
16 facilities;

17 (iii) quantify the environmental benefit of
18 preserving the resources identified in item (ii)
19 of this subparagraph (C-5), including the
20 following:

21 (aa) the value of avoided greenhouse gas
22 emissions measured as the product of the zero
23 emission facilities' output over the contract
24 term multiplied by the U.S. Environmental
25 Protection Agency eGrid subregion carbon
26 dioxide emission rate and the U.S. Interagency

1 Working Group on Social Cost of Carbon's price
2 in the August 2016 Technical Update using a 3%
3 discount rate, adjusted for inflation for each
4 delivery year; and

5 (bb) the costs of replacement with other
6 zero carbon dioxide resources, including wind
7 and photovoltaic, based upon the simple
8 average of the following:

9 (I) the price, or if there is more
10 than one price, the average of the prices,
11 paid for renewable energy credits from new
12 utility-scale wind projects in the
13 procurement events specified in item (i)
14 of subparagraph (G) of paragraph (1) of
15 subsection (c) of this Section; and

16 (II) the price, or if there is more
17 than one price, the average of the prices,
18 paid for renewable energy credits from new
19 utility-scale solar projects and
20 brownfield site photovoltaic projects in
21 the procurement events specified in item
22 (ii) of subparagraph (G) of paragraph (1)
23 of subsection (c) of this Section and,
24 after January 1, 2015, renewable energy
25 credits from photovoltaic distributed
26 generation projects in procurement events

1 held under subsection (c) of this Section.

2 Each utility shall enter into binding contractual
3 arrangements with the winning suppliers.

4 The procurement described in this subsection
5 (d-5), including, but not limited to, the execution of
6 all contracts procured, shall be completed no later
7 than May 10, 2017. Based on the effective date of
8 Public Act 99-906, the Agency and Commission may, as
9 appropriate, modify the various dates and timelines
10 under this subparagraph and subparagraphs (C) and (D)
11 of this paragraph (1). The procurement and plan
12 approval processes required by this subsection (d-5)
13 shall be conducted in conjunction with the procurement
14 and plan approval processes required by subsection (c)
15 of this Section and Section 16-111.5 of the Public
16 Utilities Act, to the extent practicable.
17 Notwithstanding whether a procurement event is
18 conducted under Section 16-111.5 of the Public
19 Utilities Act, the Agency shall immediately initiate a
20 procurement process on June 1, 2017 (the effective
21 date of Public Act 99-906).

22 (D) Following the procurement event described in
23 this paragraph (1) and consistent with subparagraph
24 (B) of this paragraph (1), the Agency shall calculate
25 the payments to be made under each contract for the
26 next delivery year based on the market price index for

1 that delivery year. The Agency shall publish the
2 payment calculations no later than May 25, 2017 and
3 every May 25 thereafter.

4 (E) Notwithstanding the requirements of this
5 subsection (d-5), the contracts executed under this
6 subsection (d-5) shall provide that the zero emission
7 facility may, as applicable, suspend or terminate
8 performance under the contracts in the following
9 instances:

10 (i) A zero emission facility shall be excused
11 from its performance under the contract for any
12 cause beyond the control of the resource,
13 including, but not restricted to, acts of God,
14 flood, drought, earthquake, storm, fire,
15 lightning, epidemic, war, riot, civil disturbance
16 or disobedience, labor dispute, labor or material
17 shortage, sabotage, acts of public enemy,
18 explosions, orders, regulations or restrictions
19 imposed by governmental, military, or lawfully
20 established civilian authorities, which, in any of
21 the foregoing cases, by exercise of commercially
22 reasonable efforts the zero emission facility
23 could not reasonably have been expected to avoid,
24 and which, by the exercise of commercially
25 reasonable efforts, it has been unable to
26 overcome. In such event, the zero emission

1 facility shall be excused from performance for the
2 duration of the event, including, but not limited
3 to, delivery of zero emission credits, and no
4 payment shall be due to the zero emission facility
5 during the duration of the event.

6 (ii) A zero emission facility shall be
7 permitted to terminate the contract if legislation
8 is enacted into law by the General Assembly that
9 imposes or authorizes a new tax, special
10 assessment, or fee on the generation of
11 electricity, the ownership or leasehold of a
12 generating unit, or the privilege or occupation of
13 such generation, ownership, or leasehold of
14 generation units by a zero emission facility.
15 However, the provisions of this item (ii) do not
16 apply to any generally applicable tax, special
17 assessment or fee, or requirements imposed by
18 federal law.

19 (iii) A zero emission facility shall be
20 permitted to terminate the contract in the event
21 that the resource requires capital expenditures in
22 excess of \$40,000,000 that were neither known nor
23 reasonably foreseeable at the time it executed the
24 contract and that a prudent owner or operator of
25 such resource would not undertake.

26 (iv) A zero emission facility shall be

1 permitted to terminate the contract in the event
2 the Nuclear Regulatory Commission terminates the
3 resource's license.

4 (F) If the zero emission facility elects to
5 terminate a contract under subparagraph (E) of this
6 paragraph (1), then the Commission shall reopen the
7 docket in which the Commission approved the zero
8 emission standard procurement plan under subparagraph
9 (C) of this paragraph (1) and, after notice and
10 hearing, enter an order acknowledging the contract
11 termination election if such termination is consistent
12 with the provisions of this subsection (d-5).

13 (2) For purposes of this subsection (d-5), the amount
14 paid per kilowatthour means the total amount paid for
15 electric service expressed on a per kilowatthour basis.
16 For purposes of this subsection (d-5), the total amount
17 paid for electric service includes, without limitation,
18 amounts paid for supply, transmission, distribution,
19 surcharges, and add-on taxes.

20 Notwithstanding the requirements of this subsection
21 (d-5), the contracts executed under this subsection (d-5)
22 shall provide that the total of zero emission credits
23 procured under a procurement plan shall be subject to the
24 limitations of this paragraph (2). For each delivery year,
25 the contractual volume receiving payments in such year
26 shall be reduced for all retail customers based on the

1 amount necessary to limit the net increase that delivery
2 year to the costs of those credits included in the amounts
3 paid by eligible retail customers in connection with
4 electric service to no more than 1.65% of the amount paid
5 per kilowatthour by eligible retail customers during the
6 year ending May 31, 2009. The result of this computation
7 shall apply to and reduce the procurement for all retail
8 customers, and all those customers shall pay the same
9 single, uniform cents per kilowatthour charge under
10 subsection (k) of Section 16-108 of the Public Utilities
11 Act. To arrive at a maximum dollar amount of zero emission
12 credits to be paid for the particular delivery year, the
13 resulting per kilowatthour amount shall be applied to the
14 actual amount of kilowatthours of electricity delivered by
15 the electric utility in the delivery year immediately
16 prior to the procurement, to all retail customers in its
17 service territory. Unpaid contractual volume for any
18 delivery year shall be paid in any subsequent delivery
19 year in which such payments can be made without exceeding
20 the amount specified in this paragraph (2). The
21 calculations required by this paragraph (2) shall be made
22 only once for each procurement plan year. Once the
23 determination as to the amount of zero emission credits to
24 be paid is made based on the calculations set forth in this
25 paragraph (2), no subsequent rate impact determinations
26 shall be made and no adjustments to those contract amounts

1 shall be allowed. All costs incurred under those contracts
2 and in implementing this subsection (d-5) shall be
3 recovered by the electric utility as provided in this
4 Section.

5 No later than June 30, 2019, the Commission shall
6 review the limitation on the amount of zero emission
7 credits procured under this subsection (d-5) and report to
8 the General Assembly its findings as to whether that
9 limitation unduly constrains the procurement of
10 cost-effective zero emission credits.

11 (3) Six years after the execution of a contract under
12 this subsection (d-5), the Agency shall determine whether
13 the actual zero emission credit payments received by the
14 supplier over the 6-year period exceed the Average ZEC
15 Payment. In addition, at the end of the term of a contract
16 executed under this subsection (d-5), or at the time, if
17 any, a zero emission facility's contract is terminated
18 under subparagraph (E) of paragraph (1) of this subsection
19 (d-5), then the Agency shall determine whether the actual
20 zero emission credit payments received by the supplier
21 over the term of the contract exceed the Average ZEC
22 Payment, after taking into account any amounts previously
23 credited back to the utility under this paragraph (3). If
24 the Agency determines that the actual zero emission credit
25 payments received by the supplier over the relevant period
26 exceed the Average ZEC Payment, then the supplier shall

1 credit the difference back to the utility. The amount of
2 the credit shall be remitted to the applicable electric
3 utility no later than 120 days after the Agency's
4 determination, which the utility shall reflect as a credit
5 on its retail customer bills as soon as practicable;
6 however, the credit remitted to the utility shall not
7 exceed the total amount of payments received by the
8 facility under its contract.

9 For purposes of this Section, the Average ZEC Payment
10 shall be calculated by multiplying the quantity of zero
11 emission credits delivered under the contract times the
12 average contract price. The average contract price shall
13 be determined by subtracting the amount calculated under
14 subparagraph (B) of this paragraph (3) from the amount
15 calculated under subparagraph (A) of this paragraph (3),
16 as follows:

17 (A) The average of the Social Cost of Carbon, as
18 defined in subparagraph (B) of paragraph (1) of this
19 subsection (d-5), during the term of the contract.

20 (B) The average of the market price indices, as
21 defined in subparagraph (B) of paragraph (1) of this
22 subsection (d-5), during the term of the contract,
23 minus the baseline market price index, as defined in
24 subparagraph (B) of paragraph (1) of this subsection
25 (d-5).

26 If the subtraction yields a negative number, then the

1 Average ZEC Payment shall be zero.

2 (4) Cost-effective zero emission credits procured from
3 zero emission facilities shall satisfy the applicable
4 definitions set forth in Section 1-10 of this Act.

5 (5) The electric utility shall retire all zero
6 emission credits used to comply with the requirements of
7 this subsection (d-5).

8 (6) Electric utilities shall be entitled to recover
9 all of the costs associated with the procurement of zero
10 emission credits through an automatic adjustment clause
11 tariff in accordance with subsection (k) and (m) of
12 Section 16-108 of the Public Utilities Act, and the
13 contracts executed under this subsection (d-5) shall
14 provide that the utilities' payment obligations under such
15 contracts shall be reduced if an adjustment is required
16 under subsection (m) of Section 16-108 of the Public
17 Utilities Act.

18 (7) This subsection (d-5) shall become inoperative on
19 January 1, 2028.

20 (d-10) Nuclear Plant Assistance; carbon mitigation
21 credits.

22 (1) The General Assembly finds:

23 (A) The health, welfare, and prosperity of all
24 Illinois citizens require that the State of Illinois act
25 to avoid and not increase carbon emissions from electric
26 generation sources while continuing to ensure affordable,

1 stable, and reliable electricity to all citizens.

2 (B) Absent immediate action by the State to preserve
3 existing carbon-free energy resources, those resources may
4 retire, and the electric generation needs of Illinois'
5 retail customers may be met instead by facilities that
6 emit significant amounts of carbon pollution and other
7 harmful air pollutants at a high social and economic cost
8 until Illinois is able to develop other forms of clean
9 energy.

10 (C) The General Assembly finds that nuclear power
11 generation is necessary for the State's transition to 100%
12 clean energy, and ensuring continued operation of nuclear
13 plants advances environmental and public health interests
14 through providing carbon-free electricity while reducing
15 the air pollution profile of the Illinois energy
16 generation fleet.

17 (D) The clean energy attributes of nuclear generation
18 facilities support the State in its efforts to achieve
19 100% clean energy.

20 (E) The State currently invests in various forms of
21 clean energy, including, but not limited to, renewable
22 energy, energy efficiency, and low-emission vehicles,
23 among others.

24 (F) The Environmental Protection Agency commissioned
25 an independent audit which provided a detailed assessment
26 of the financial condition of the Illinois nuclear fleet

1 to evaluate its financial viability and whether the
2 environmental benefits of such resources were at risk. The
3 report identified the risk of losing the environmental
4 benefits of several specific nuclear units. The report
5 also identified that the LaSalle County Generating Station
6 will continue to operate through 2026 and therefore is not
7 eligible to participate in the carbon mitigation credit
8 program.

9 (G) Nuclear plants provide carbon-free energy, which
10 helps to avoid many health-related negative impacts for
11 Illinois residents.

12 (H) The procurement of carbon mitigation credits
13 representing the environmental benefits of carbon-free
14 generation will further the State's efforts at achieving
15 100% clean energy and decarbonizing the electricity sector
16 in a safe, reliable, and affordable manner. Further, the
17 procurement of carbon emission credits will enhance the
18 health and welfare of Illinois residents through decreased
19 reliance on more highly polluting generation.

20 (I) The General Assembly therefore finds it necessary
21 to establish carbon mitigation credits to ensure decreased
22 reliance on more carbon-intensive energy resources, for
23 transitioning to a fully decarbonized electricity sector,
24 and to help ensure health and welfare of the State's
25 residents.

26 (2) As used in this subsection:

1 "Baseline costs" means costs used to establish a customer
2 protection cap that have been evaluated through an independent
3 audit of a carbon-free energy resource conducted by the
4 Environmental Protection Agency that evaluated projected
5 annual costs for operation and maintenance expenses; fully
6 allocated overhead costs, which shall be allocated using the
7 methodology developed by the Institute for Nuclear Power
8 Operations; fuel expenditures; nonfuel capital expenditures;
9 spent fuel expenditures; a return on working capital; the cost
10 of operational and market risks that could be avoided by
11 ceasing operation; and any other costs necessary for continued
12 operations, provided that "necessary" means, for purposes of
13 this definition, that the costs could reasonably be avoided
14 only by ceasing operations of the carbon-free energy resource.

15 "Carbon mitigation credit" means a tradable credit that
16 represents the carbon emission reduction attributes of one
17 megawatt-hour of energy produced from a carbon-free energy
18 resource.

19 "Carbon-free energy resource" means a generation facility
20 that: (1) is fueled by nuclear power; and (2) is
21 interconnected to PJM Interconnection, LLC.

22 (3) Procurement.

23 (A) Beginning with the delivery year commencing on
24 June 1, 2022, the Agency shall, for electric utilities
25 serving at least 3,000,000 retail customers in the State,
26 seek to procure contracts for no more than approximately

1 54,500,000 cost-effective carbon mitigation credits from
2 carbon-free energy resources because such credits are
3 necessary to support current levels of carbon-free energy
4 generation and ensure the State meets its carbon dioxide
5 emissions reduction goals. The Agency shall not make a
6 partial award of a contract for carbon mitigation credits
7 covering a fractional amount of a carbon-free energy
8 resource's projected output.

9 (B) Each carbon-free energy resource that intends to
10 participate in a procurement shall be required to submit
11 to the Agency the following information for the resource
12 on or before the date established by the Agency:

13 (i) the in-service date and remaining useful life
14 of the carbon-free energy resource;

15 (ii) the amount of power generated annually for
16 each of the past 10 years, which shall be used to
17 determine the capability of each facility;

18 (iii) a commitment to be reflected in any contract
19 entered into pursuant to this subsection (d-10) to
20 continue operating the carbon-free energy resource at
21 a capacity factor of at least 88% annually on average
22 for the duration of the contract or contracts executed
23 under the procurement held under this subsection
24 (d-10), except in an instance described in
25 subparagraph (E) of paragraph (1) of subsection (d-5)
26 of this Section or made impracticable as a result of

1 compliance with law or regulation;

2 (iv) financial need and the risk of loss of the
3 environmental benefits of such resource, which shall
4 include the following information:

5 (I) the carbon-free energy resource's cost
6 projections, expressed on a per megawatt-hour
7 basis, over the next 5 delivery years, which shall
8 include the following: operation and maintenance
9 expenses; fully allocated overhead costs, which
10 shall be allocated using the methodology developed
11 by the Institute for Nuclear Power Operations;
12 fuel expenditures; nonfuel capital expenditures;
13 spent fuel expenditures; a return on working
14 capital; the cost of operational and market risks
15 that could be avoided by ceasing operation; and
16 any other costs necessary for continued
17 operations, provided that "necessary" means, for
18 purposes of this subitem (I), that the costs could
19 reasonably be avoided only by ceasing operations
20 of the carbon-free energy resource; and

21 (II) the carbon-free energy resource's revenue
22 projections, including energy, capacity, ancillary
23 services, any other direct State support, known or
24 anticipated federal attribute credits, known or
25 anticipated tax credits, and any other direct
26 federal support.

1 The information described in this subparagraph (B) may
2 be submitted on a confidential basis and shall be treated
3 and maintained by the Agency, the procurement
4 administrator, and the Commission as confidential and
5 proprietary and exempt from disclosure under subparagraphs
6 (a) and (g) of paragraph (1) of Section 7 of the Freedom of
7 Information Act. The Office of the Attorney General shall
8 have access to, and maintain the confidentiality of, such
9 information pursuant to Section 6.5 of the Attorney
10 General Act.

11 (C) The Agency shall solicit bids for the contracts
12 described in this subsection (d-10) from carbon-free
13 energy resources that have satisfied the requirements of
14 subparagraph (B) of this paragraph (3). The contracts
15 procured pursuant to a procurement event shall reflect,
16 and be subject to, the following terms, requirements, and
17 limitations:

18 (i) Contracts are for delivery of carbon
19 mitigation credits, and are not energy or capacity
20 sales contracts requiring physical delivery. Pursuant
21 to item (iii), contract payments shall fully deduct
22 the value of any monetized federal production tax
23 credits, credits issued pursuant to a federal clean
24 energy standard, and other federal credits if
25 applicable.

26 (ii) Contracts for carbon mitigation credits shall

1 commence with the delivery year beginning on June 1,
2 2022 and shall be for a term of 5 delivery years
3 concluding on May 31, 2027.

4 (iii) The price per carbon mitigation credit to be
5 paid under a contract for a given delivery year shall
6 be equal to an accepted bid price less the sum of:

7 (I) one of the following energy price indices,
8 selected by the bidder at the time of the bid for
9 the term of the contract:

10 (aa) the weighted-average hourly day-ahead
11 price for the applicable delivery year at the
12 busbar of all resources procured pursuant to
13 this subsection (d-10), weighted by actual
14 production from the resources; or

15 (bb) the projected energy price for the
16 PJM Interconnection, LLC Northern Illinois Hub
17 for the applicable delivery year determined
18 according to subitem (aa) of item (iii) of
19 subparagraph (B) of paragraph (1) of
20 subsection (d-5).

21 (II) the Base Residual Auction Capacity Price
22 for the ComEd zone as determined by PJM
23 Interconnection, LLC, divided by 24 hours per day,
24 for the applicable delivery year for the first 3
25 delivery years, and then any subsequent delivery
26 years unless the PJM Interconnection, LLC applies

1 the Minimum Offer Price Rule to participating
2 carbon-free energy resources because they supply
3 carbon mitigation credits pursuant to this Section
4 at which time, upon notice by the carbon-free
5 energy resource to the Commission and subject to
6 the Commission's confirmation, the value under
7 this subitem shall be zero, as further described
8 in the carbon mitigation credit procurement plan;
9 and

10 (III) any value of monetized federal tax
11 credits, direct payments, or similar subsidy
12 provided to the carbon-free energy resource from
13 any unit of government that is not already
14 reflected in energy prices.

15 If the price-per-megawatt-hour calculation
16 performed under item (iii) of this subparagraph (C)
17 for a given delivery year results in a net positive
18 value, then the electric utility counterparty to the
19 contract shall multiply such net value by the
20 applicable contract quantity and remit the amount to
21 the supplier.

22 To protect retail customers from retail rate
23 impacts that may arise upon the initiation of carbon
24 policy changes, if the price-per-megawatt-hour
25 calculation performed under item (iii) of this
26 subparagraph (C) for a given delivery year results in

1 a net negative value, then the supplier counterparty
2 to the contract shall multiply such net value by the
3 applicable contract quantity and remit such amount to
4 the electric utility counterparty. The electric
5 utility shall reflect such amounts remitted by
6 suppliers as a credit on its retail customer bills as
7 soon as practicable.

8 (iv) To ensure that retail customers in Northern
9 Illinois do not pay more for carbon mitigation credits
10 than the value such credits provide, and
11 notwithstanding the provisions of this subsection
12 (d-10), the Agency shall not accept bids for contracts
13 that exceed a customer protection cap equal to the
14 baseline costs of carbon-free energy resources.

15 The baseline costs for the applicable year shall
16 be the following:

17 (I) For the delivery year beginning June 1,
18 2022, the baseline costs shall be an amount equal
19 to \$30.30 per megawatt-hour.

20 (II) For the delivery year beginning June 1,
21 2023, the baseline costs shall be an amount equal
22 to \$32.50 per megawatt-hour.

23 (III) For the delivery year beginning June 1,
24 2024, the baseline costs shall be an amount equal
25 to \$33.43 per megawatt-hour.

26 (IV) For the delivery year beginning June 1,

1 2025, the baseline costs shall be an amount equal
2 to \$33.50 per megawatt-hour.

3 (V) For the delivery year beginning June 1,
4 2026, the baseline costs shall be an amount equal
5 to \$34.50 per megawatt-hour.

6 An Environmental Protection Agency consultant
7 forecast, included in a report issued April 14, 2021,
8 projects that a carbon-free energy resource has the
9 opportunity to earn on average approximately \$30.28
10 per megawatt-hour, for the sale of energy and capacity
11 during the time period between 2022 and 2027.
12 Therefore, the sale of carbon mitigation credits
13 provides the opportunity to receive an additional
14 amount per megawatt-hour in addition to the projected
15 prices for energy and capacity.

16 Although actual energy and capacity prices may
17 vary from year-to-year, the General Assembly finds
18 that this customer protection cap will help ensure
19 that the cost of carbon mitigation credits will be
20 less than its value, based upon the social cost of
21 carbon identified in the Technical Support Document
22 issued in February 2021 by the U.S. Interagency
23 Working Group on Social Cost of Greenhouse Gases and
24 the PJM Interconnection, LLC carbon dioxide marginal
25 emission rate for 2020, and that a carbon-free energy
26 resource receiving payment for carbon mitigation

1 credits receives no more than necessary to keep those
2 units in operation.

3 (D) No later than 7 days after the effective date of
4 this amendatory Act of the 102nd General Assembly, the
5 Agency shall publish its proposed carbon mitigation credit
6 procurement plan. The Plan shall provide that winning bids
7 shall be selected by taking into consideration which
8 resources best match public interest criteria that
9 include, but are not limited to, minimizing carbon dioxide
10 emissions that result from electricity consumed in
11 Illinois and minimizing sulfur dioxide, nitrogen oxide,
12 and particulate matter emissions that adversely affect the
13 citizens of this State. The selection of winning bids
14 shall also take into account the incremental environmental
15 benefits resulting from the procurement or procurements,
16 such as any existing environmental benefits that are
17 preserved by a procurement held under this subsection
18 (d-10) and would cease to exist if the procurement were
19 not held, including the preservation of carbon-free energy
20 resources. For those bidders having the same public
21 interest criteria score, the relative ranking of such
22 bidders shall be determined by price. The Plan shall
23 describe in detail how each public interest factor shall
24 be considered and weighted in the bid selection process to
25 ensure that the public interest criteria are applied to
26 the procurement. The Plan shall, to the extent practical

1 and permissible by federal law, ensure that successful
2 bidders make commercially reasonable efforts to apply for
3 federal tax credits, direct payments, or similar subsidy
4 programs that support carbon-free generation and for which
5 the successful bidder is eligible. Upon publishing of the
6 carbon mitigation credit procurement plan, copies of the
7 plan shall be posted and made publicly available on the
8 Agency's website. All interested parties shall have 7 days
9 following the date of posting to provide comment to the
10 Agency on the plan. All comments shall be posted to the
11 Agency's website. Following the end of the comment period,
12 but no more than 19 days later than the effective date of
13 this amendatory Act of the 102nd General Assembly, the
14 Agency shall revise the plan as necessary based on the
15 comments received and file its carbon mitigation credit
16 procurement plan with the Commission.

17 (E) If the Commission determines that the plan is
18 likely to result in the procurement of cost-effective
19 carbon mitigation credits, then the Commission shall,
20 after notice and hearing and opportunity for comment, but
21 no later than 42 days after the Agency filed the plan,
22 approve the plan or approve it with modification. For
23 purposes of this subsection (d-10), "cost-effective" means
24 carbon mitigation credits that are procured from
25 carbon-free energy resources at prices that are within the
26 limits specified in this paragraph (3). As part of the

1 Commission's review and acceptance or rejection of the
2 procurement results, the Commission shall, in its public
3 notice of successful bidders:

4 (i) identify how the selected carbon-free energy
5 resources satisfy the public interest criteria
6 described in this paragraph (3) of minimizing carbon
7 dioxide emissions that result from electricity
8 consumed in Illinois and minimizing sulfur dioxide,
9 nitrogen oxide, and particulate matter emissions that
10 adversely affect the citizens of this State;

11 (ii) specifically address how the selection of
12 carbon-free energy resources takes into account the
13 incremental environmental benefits resulting from the
14 procurement, including any existing environmental
15 benefits that are preserved by the procurements held
16 under this amendatory Act of the 102nd General
17 Assembly and would have ceased to exist if the
18 procurements had not been held, such as the
19 preservation of carbon-free energy resources;

20 (iii) quantify the environmental benefit of
21 preserving the carbon-free energy resources procured
22 pursuant to this subsection (d-10), including the
23 following:

24 (I) an assessment value of avoided greenhouse
25 gas emissions measured as the product of the
26 carbon-free energy resources' output over the

1 contract term, using generally accepted
2 methodologies for the valuation of avoided
3 emissions; and

4 (II) an assessment of costs of replacement
5 with other carbon-free energy resources and
6 renewable energy resources, including wind and
7 photovoltaic generation, based upon an assessment
8 of the prices paid for renewable energy credits
9 through programs and procurements conducted
10 pursuant to subsection (c) of Section 1-75 of this
11 Act, and the additional storage necessary to
12 produce the same or similar capability of matching
13 customer usage patterns.

14 (F) The procurements described in this paragraph (3),
15 including, but not limited to, the execution of all
16 contracts procured, shall be completed no later than
17 December 3, 2021. The procurement and plan approval
18 processes required by this paragraph (3) shall be
19 conducted in conjunction with the procurement and plan
20 approval processes required by Section 16-111.5 of the
21 Public Utilities Act, to the extent practicable. However,
22 the Agency and Commission may, as appropriate, modify the
23 various dates and timelines under this subparagraph and
24 subparagraphs (D) and (E) of this paragraph (3) to meet
25 the December 3, 2021 contract execution deadline.
26 Following the completion of such procurements, and

1 consistent with this paragraph (3), the Agency shall
2 calculate the payments to be made under each contract in a
3 timely fashion.

4 (F-1) Costs incurred by the electric utility pursuant
5 to a contract authorized by this subsection (d-10) shall
6 be deemed prudently incurred and reasonable in amount, and
7 the electric utility shall be entitled to full cost
8 recovery pursuant to a tariff or tariffs filed with the
9 Commission.

10 (G) The counterparty electric utility shall retire all
11 carbon mitigation credits used to comply with the
12 requirements of this subsection (d-10).

13 (H) If a carbon-free energy resource is sold to
14 another owner, the rights, obligations, and commitments
15 under this subsection (d-10) shall continue to the
16 subsequent owner.

17 (I) This subsection (d-10) shall become inoperative on
18 January 1, 2028.

19 (e) The draft procurement plans are subject to public
20 comment, as required by Section 16-111.5 of the Public
21 Utilities Act.

22 (f) The Agency shall submit the final procurement plan to
23 the Commission. The Agency shall revise a procurement plan if
24 the Commission determines that it does not meet the standards
25 set forth in Section 16-111.5 of the Public Utilities Act.

26 (g) The Agency shall assess fees to each affected utility

1 to recover the costs incurred in preparation of the annual
2 procurement plan for the utility.

3 (h) The Agency shall assess fees to each bidder to recover
4 the costs incurred in connection with a competitive
5 procurement process.

6 (i) A renewable energy credit, carbon emission credit,
7 zero emission credit, or carbon mitigation credit can only be
8 used once to comply with a single portfolio or other standard
9 as set forth in subsection (c), subsection (d), or subsection
10 (d-5) of this Section, respectively. A renewable energy
11 credit, carbon emission credit, zero emission credit, or
12 carbon mitigation credit cannot be used to satisfy the
13 requirements of more than one standard. If more than one type
14 of credit is issued for the same megawatt hour of energy, only
15 one credit can be used to satisfy the requirements of a single
16 standard. After such use, the credit must be retired together
17 with any other credits issued for the same megawatt hour of
18 energy.

19 (Source: P.A. 101-81, eff. 7-12-19; 101-113, eff. 1-1-20;
20 102-662, eff. 9-15-21.)

21 (20 ILCS 3855/1-129 new)

22 Sec. 1-129. Policy study.

23 (a) The General Assembly finds that:

24 (1) in 2021, Illinois became the first state in the
25 Midwest to mandate a clean energy future when it enacted

1 the Climate and Equitable Jobs Act (Public Act 102-662);

2 (2) through the Climate and Equitable Jobs Act,
3 Illinois established a plan to completely decarbonize its
4 energy sector by 2050 in an equitable manner that invests
5 in the State's workforce;

6 (3) technology in the energy sector continues to
7 advance creating cleaner and more efficient options to
8 help the State attain the target of 50% renewable energy
9 by 2040; and

10 (4) while numerous legislative proposals purport to
11 help the State on its path to equitably attain 100% clean
12 energy, it is important to have a neutral party with
13 relevant expertise evaluate each proposal to ensure it is
14 consistent with the State's goals and maximizes benefits
15 to Illinois residents.

16 (b) The General Assembly intends:

17 (1) to prioritize the public interest over the profit
18 motives of utilities and private developers; and

19 (2) to invest in projects that reduce harmful
20 emissions and contribute to the clean economy.

21 (c) The Agency shall commission and publish a policy study
22 to evaluate the potential impacts of the proposals described
23 in subsection (g). The potential impacts may include, but are
24 not limited to, support for Illinois' decarbonization goals,
25 the environment, grid reliability, carbon and other pollutant
26 emissions, resource adequacy, long-term and short-term

1 electric rates, environmental justice communities, jobs, and
2 the economy. Where applicable, the study shall address the
3 impact of a proposal with respect to reports by the
4 Midcontinent Independent System Operator, PJM, and North
5 American Electric Reliability Corporation staff that Illinois
6 has begun to experience resource adequacy issues.

7 (d) The Agency shall retain the services of technical and
8 policy experts with energy market and other relevant fields of
9 expertise. The technical and policy experts may include the
10 existing planning and procurement consultant and applicable
11 subcontractors and the procurement administrator and
12 applicable subcontractors. The Illinois Commerce Commission,
13 the Illinois Environmental Protection Agency, and the
14 Department of Commerce and Economic Opportunity shall provide
15 support to and consult with the Agency. The Agency may consult
16 with other State agencies, commissions, or task forces as
17 needed. The Agency may consult with and seek assistance from
18 the Regional Transmission Organizations PJM and MISO.

19 (e) The Agency may solicit information, including
20 confidential or proprietary information, from entities likely
21 to be impacted by the proposals described in subsection (g)
22 for purposes of this study. Any information designated as
23 confidential or proprietary information by the entity
24 providing the information shall be kept confidential by the
25 Agency, its consultants, and its contractors and is not
26 subject to disclosure under the Freedom of Information Act.

1 (f) The Agency shall publish a final policy study no later
2 than March 1, 2024 and suitable copies shall be delivered to
3 the Governor and members of the General Assembly. Prior to
4 publishing the final policy study, the Agency shall publish a
5 preliminary draft of the policy study and provide for a 20-day
6 open public comment period. The Agency shall review public
7 comments and publish a final policy study no later than 20 days
8 after the public comment period ends. The policy study shall
9 include policy recommendations to the General Assembly.

10 (g) The policy study shall evaluate the following
11 proposals and may consider or suggest additional or
12 alternative items:

13 (1) House Bill 2132 of the 103rd General Assembly as
14 it passed out of the House on March 24, 2023 or a similar
15 pilot program to establish one new utility-scale offshore
16 wind project capable of producing at least 700,000
17 megawatt hours annually for at least 20 years in Lake
18 Michigan that includes an equity and inclusion plan to
19 create job opportunities for underrepresented populations
20 in addition to equity investment eligible communities and
21 a fully executed project labor agreement. The pilot
22 program may result in an increase in the amounts paid by
23 eligible retail customers in connection with electric
24 service that shall not exceed 0.25% of the amount paid per
25 kilowatt hour by those customers during the year ending
26 May 31, 2009.

1 (2) Senate Bill 1587 and amendments to Senate Bill
2 1587 of the 103rd General Assembly filed prior to May 31,
3 2023 or a similar proposal for the deployment of energy
4 storage systems supported by the State through the
5 development of energy storage credit targets for the
6 Agency to procure on behalf of Illinois electric utilities
7 from privately owned, large scale energy storage providers
8 using energy storage contracts of at least 15 year
9 durations based on a competitive energy storage
10 procurement plan developed by the Agency designed to
11 enhance overall grid reliability, flexibility and
12 efficiency, and to lower electricity prices. The plan must
13 require participants to comply with the equity
14 accountability system requirements in subsection (c-10) of
15 Section 1-75 and to submit proof of project labor
16 agreements. For purposes of this policy study, it should
17 be assumed that the costs associated with procuring energy
18 storage credits shall be recovered through tariffed
19 charges assessed across all retail customers in a uniform
20 cents per kilowatt hour charge. In addition to large scale
21 energy storage, the proposal shall also include the
22 creation of distributed level energy storage programs
23 through utility tariffs as approved by the Illinois
24 Commerce Commission. The programs shall include a
25 residential and a commercial storage program that would
26 allow customer-sited batteries to provide grid benefits

1 and cost-savings to ratepayers. The proposal shall also
2 include a community solar energy storage program intended
3 to serve as a peak reduction program by utilizing
4 community solar paired storage projects deployed daily in
5 summer months during peak hours. The installation of the
6 energy storage systems associated with these distributed
7 renewable systems must comply with the prevailing wage
8 requirements described in subparagraph (Q) of paragraph
9 (1) of subsection (c) of Section 1-75. The policy study
10 shall include a review of the ability of coal-fueled
11 generating plant sites located in Illinois that have been
12 closed since 2016 or are scheduled to be closed by 2030 to
13 support the installation of energy storage systems and
14 potential associated interconnection costs. This review
15 shall include: (i) whether those sites are already in a
16 regional transmission organization interconnection queue,
17 including MISO's replacement power interconnection queue,
18 or would be submitted to the replacement power
19 interconnection queue no later than September 1, 2023,
20 and, if a site is in a queue, the site's position in the
21 queue; and (ii) how soon those sites could support
22 development and installation of energy storage systems and
23 any barriers to that development. This review shall also
24 include consultation with electric generation facility
25 owners or operators and renewable developers that own or
26 are in the process of developing energy storage systems in

1 Illinois or that have experience developing energy storage
2 systems in other States.

3 (3) A policy establishing high voltage direct current
4 renewable energy credits that requires the Agency to
5 procure contracts with at least 25 years but no more than
6 40 years duration for the delivery of renewable energy
7 credits on behalf of electric utilities in Illinois with
8 at least 300,000 customers from a high voltage direct
9 current transmission facility with more than 100 miles of
10 underground transmission lines in this State capable of
11 transmitting electricity at or above 525 kilovolts and
12 delivering power in the PJM market. High voltage direct
13 current renewable energy credits procured by the Agency
14 pursuant to this policy would not count toward the
15 renewable energy credit purchase targets in subsection (c)
16 of Section 1-75. The study shall also evaluate: (i) this
17 policy's potential for wholesale electricity price impacts
18 in both PJM and MISO, the net rate impact to Illinois
19 ratepayers, and the impact on grid reliability and
20 resilience; (ii) whether a 25-year to 40-year guaranteed
21 contract is necessary to build a high voltage direct
22 current transmission facility; (iii) whether specific high
23 voltage direct current transmission facility projects are
24 committed to Illinois' fair labor and equity standards;
25 and (iv) whether the policy creates incentives for
26 renewable development outside of Illinois rather than

1 within the State.

2 Section 15. The Illinois Procurement Code is amended by
3 changing Section 1-10 as follows:

4 (30 ILCS 500/1-10)

5 Sec. 1-10. Application.

6 (a) This Code applies only to procurements for which
7 bidders, offerors, potential contractors, or contractors were
8 first solicited on or after July 1, 1998. This Code shall not
9 be construed to affect or impair any contract, or any
10 provision of a contract, entered into based on a solicitation
11 prior to the implementation date of this Code as described in
12 Article 99, including, but not limited to, any covenant
13 entered into with respect to any revenue bonds or similar
14 instruments. All procurements for which contracts are
15 solicited between the effective date of Articles 50 and 99 and
16 July 1, 1998 shall be substantially in accordance with this
17 Code and its intent.

18 (b) This Code shall apply regardless of the source of the
19 funds with which the contracts are paid, including federal
20 assistance moneys. This Code shall not apply to:

21 (1) Contracts between the State and its political
22 subdivisions or other governments, or between State
23 governmental bodies, except as specifically provided in
24 this Code.

1 (2) Grants, except for the filing requirements of
2 Section 20-80.

3 (3) Purchase of care, except as provided in Section
4 5-30.6 of the Illinois Public Aid Code and this Section.

5 (4) Hiring of an individual as an employee and not as
6 an independent contractor, whether pursuant to an
7 employment code or policy or by contract directly with
8 that individual.

9 (5) Collective bargaining contracts.

10 (6) Purchase of real estate, except that notice of
11 this type of contract with a value of more than \$25,000
12 must be published in the Procurement Bulletin within 10
13 calendar days after the deed is recorded in the county of
14 jurisdiction. The notice shall identify the real estate
15 purchased, the names of all parties to the contract, the
16 value of the contract, and the effective date of the
17 contract.

18 (7) Contracts necessary to prepare for anticipated
19 litigation, enforcement actions, or investigations,
20 provided that the chief legal counsel to the Governor
21 shall give his or her prior approval when the procuring
22 agency is one subject to the jurisdiction of the Governor,
23 and provided that the chief legal counsel of any other
24 procuring entity subject to this Code shall give his or
25 her prior approval when the procuring entity is not one
26 subject to the jurisdiction of the Governor.

1 (8) (Blank).

2 (9) Procurement expenditures by the Illinois
3 Conservation Foundation when only private funds are used.

4 (10) (Blank).

5 (11) Public-private agreements entered into according
6 to the procurement requirements of Section 20 of the
7 Public-Private Partnerships for Transportation Act and
8 design-build agreements entered into according to the
9 procurement requirements of Section 25 of the
10 Public-Private Partnerships for Transportation Act.

11 (12) (A) Contracts for legal, financial, and other
12 professional and artistic services entered into by the
13 Illinois Finance Authority in which the State of Illinois
14 is not obligated. Such contracts shall be awarded through
15 a competitive process authorized by the members of the
16 Illinois Finance Authority and are subject to Sections
17 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
18 as well as the final approval by the members of the
19 Illinois Finance Authority of the terms of the contract.

20 (B) Contracts for legal and financial services entered
21 into by the Illinois Housing Development Authority in
22 connection with the issuance of bonds in which the State
23 of Illinois is not obligated. Such contracts shall be
24 awarded through a competitive process authorized by the
25 members of the Illinois Housing Development Authority and
26 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,

1 and 50-37 of this Code, as well as the final approval by
2 the members of the Illinois Housing Development Authority
3 of the terms of the contract.

4 (13) Contracts for services, commodities, and
5 equipment to support the delivery of timely forensic
6 science services in consultation with and subject to the
7 approval of the Chief Procurement Officer as provided in
8 subsection (d) of Section 5-4-3a of the Unified Code of
9 Corrections, except for the requirements of Sections
10 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
11 Code; however, the Chief Procurement Officer may, in
12 writing with justification, waive any certification
13 required under Article 50 of this Code. For any contracts
14 for services which are currently provided by members of a
15 collective bargaining agreement, the applicable terms of
16 the collective bargaining agreement concerning
17 subcontracting shall be followed.

18 On and after January 1, 2019, this paragraph (13),
19 except for this sentence, is inoperative.

20 (14) Contracts for participation expenditures required
21 by a domestic or international trade show or exhibition of
22 an exhibitor, member, or sponsor.

23 (15) Contracts with a railroad or utility that
24 requires the State to reimburse the railroad or utilities
25 for the relocation of utilities for construction or other
26 public purpose. Contracts included within this paragraph

1 (15) shall include, but not be limited to, those
2 associated with: relocations, crossings, installations,
3 and maintenance. For the purposes of this paragraph (15),
4 "railroad" means any form of non-highway ground
5 transportation that runs on rails or electromagnetic
6 guideways and "utility" means: (1) public utilities as
7 defined in Section 3-105 of the Public Utilities Act, (2)
8 telecommunications carriers as defined in Section 13-202
9 of the Public Utilities Act, (3) electric cooperatives as
10 defined in Section 3.4 of the Electric Supplier Act, (4)
11 telephone or telecommunications cooperatives as defined in
12 Section 13-212 of the Public Utilities Act, (5) rural
13 water or waste water systems with 10,000 connections or
14 less, (6) a holder as defined in Section 21-201 of the
15 Public Utilities Act, and (7) municipalities owning or
16 operating utility systems consisting of public utilities
17 as that term is defined in Section 11-117-2 of the
18 Illinois Municipal Code.

19 (16) Procurement expenditures necessary for the
20 Department of Public Health to provide the delivery of
21 timely newborn screening services in accordance with the
22 Newborn Metabolic Screening Act.

23 (17) Procurement expenditures necessary for the
24 Department of Agriculture, the Department of Financial and
25 Professional Regulation, the Department of Human Services,
26 and the Department of Public Health to implement the

1 Compassionate Use of Medical Cannabis Program and Opioid
2 Alternative Pilot Program requirements and ensure access
3 to medical cannabis for patients with debilitating medical
4 conditions in accordance with the Compassionate Use of
5 Medical Cannabis Program Act.

6 (18) This Code does not apply to any procurements
7 necessary for the Department of Agriculture, the
8 Department of Financial and Professional Regulation, the
9 Department of Human Services, the Department of Commerce
10 and Economic Opportunity, and the Department of Public
11 Health to implement the Cannabis Regulation and Tax Act if
12 the applicable agency has made a good faith determination
13 that it is necessary and appropriate for the expenditure
14 to fall within this exemption and if the process is
15 conducted in a manner substantially in accordance with the
16 requirements of Sections 20-160, 25-60, 30-22, 50-5,
17 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
18 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
19 Section 50-35, compliance applies only to contracts or
20 subcontracts over \$100,000. Notice of each contract
21 entered into under this paragraph (18) that is related to
22 the procurement of goods and services identified in
23 paragraph (1) through (9) of this subsection shall be
24 published in the Procurement Bulletin within 14 calendar
25 days after contract execution. The Chief Procurement
26 Officer shall prescribe the form and content of the

1 notice. Each agency shall provide the Chief Procurement
2 Officer, on a monthly basis, in the form and content
3 prescribed by the Chief Procurement Officer, a report of
4 contracts that are related to the procurement of goods and
5 services identified in this subsection. At a minimum, this
6 report shall include the name of the contractor, a
7 description of the supply or service provided, the total
8 amount of the contract, the term of the contract, and the
9 exception to this Code utilized. A copy of any or all of
10 these contracts shall be made available to the Chief
11 Procurement Officer immediately upon request. The Chief
12 Procurement Officer shall submit a report to the Governor
13 and General Assembly no later than November 1 of each year
14 that includes, at a minimum, an annual summary of the
15 monthly information reported to the Chief Procurement
16 Officer. This exemption becomes inoperative 5 years after
17 June 25, 2019 (the effective date of Public Act 101-27).

18 (19) Acquisition of modifications or adjustments,
19 limited to assistive technology devices and assistive
20 technology services, adaptive equipment, repairs, and
21 replacement parts to provide reasonable accommodations (i)
22 that enable a qualified applicant with a disability to
23 complete the job application process and be considered for
24 the position such qualified applicant desires, (ii) that
25 modify or adjust the work environment to enable a
26 qualified current employee with a disability to perform

1 the essential functions of the position held by that
2 employee, (iii) to enable a qualified current employee
3 with a disability to enjoy equal benefits and privileges
4 of employment as are enjoyed by other similarly situated
5 employees without disabilities, and (iv) that allow a
6 customer, client, claimant, or member of the public
7 seeking State services full use and enjoyment of and
8 access to its programs, services, or benefits.

9 For purposes of this paragraph (19):

10 "Assistive technology devices" means any item, piece
11 of equipment, or product system, whether acquired
12 commercially off the shelf, modified, or customized, that
13 is used to increase, maintain, or improve functional
14 capabilities of individuals with disabilities.

15 "Assistive technology services" means any service that
16 directly assists an individual with a disability in
17 selection, acquisition, or use of an assistive technology
18 device.

19 "Qualified" has the same meaning and use as provided
20 under the federal Americans with Disabilities Act when
21 describing an individual with a disability.

22 (20) Procurement expenditures necessary for the
23 Illinois Commerce Commission to hire third-party
24 facilitators pursuant to Sections 16-105.17 and 16-108.18
25 of the Public Utilities Act or an ombudsman pursuant to
26 Section 16-107.5 of the Public Utilities Act, a

1 facilitator pursuant to Section 16-105.17 of the Public
2 Utilities Act, or a grid auditor pursuant to Section
3 16-105.10 of the Public Utilities Act.

4 (21) Procurement expenditures for the purchase,
5 renewal, and expansion of software, software licenses, or
6 software maintenance agreements that support the efforts
7 of the Illinois State Police to enforce, regulate, and
8 administer the Firearm Owners Identification Card Act, the
9 Firearm Concealed Carry Act, the Firearms Restraining
10 Order Act, the Firearm Dealer License Certification Act,
11 the Law Enforcement Agencies Data System (LEADS), the
12 Uniform Crime Reporting Act, the Criminal Identification
13 Act, the Uniform Conviction Information Act, and the Gun
14 Trafficking Information Act, or establish or maintain
15 record management systems necessary to conduct human
16 trafficking investigations or gun trafficking or other
17 stolen firearm investigations. This paragraph (21) applies
18 to contracts entered into on or after the effective date
19 of this amendatory Act of the 102nd General Assembly and
20 the renewal of contracts that are in effect on the
21 effective date of this amendatory Act of the 102nd General
22 Assembly.

23 Notwithstanding any other provision of law, for contracts
24 with an annual value of more than \$100,000 entered into on or
25 after October 1, 2017 under an exemption provided in any
26 paragraph of this subsection (b), except paragraph (1), (2),

1 or (5), each State agency shall post to the appropriate
2 procurement bulletin the name of the contractor, a description
3 of the supply or service provided, the total amount of the
4 contract, the term of the contract, and the exception to the
5 Code utilized. The chief procurement officer shall submit a
6 report to the Governor and General Assembly no later than
7 November 1 of each year that shall include, at a minimum, an
8 annual summary of the monthly information reported to the
9 chief procurement officer.

10 (c) This Code does not apply to the electric power
11 procurement process provided for under Section 1-75 of the
12 Illinois Power Agency Act and Section 16-111.5 of the Public
13 Utilities Act. This Code does not apply to the procurement of
14 technical and policy experts pursuant to Section 1-129 of the
15 Illinois Power Agency Act.

16 (d) Except for Section 20-160 and Article 50 of this Code,
17 and as expressly required by Section 9.1 of the Illinois
18 Lottery Law, the provisions of this Code do not apply to the
19 procurement process provided for under Section 9.1 of the
20 Illinois Lottery Law.

21 (e) This Code does not apply to the process used by the
22 Capital Development Board to retain a person or entity to
23 assist the Capital Development Board with its duties related
24 to the determination of costs of a clean coal SNG brownfield
25 facility, as defined by Section 1-10 of the Illinois Power
26 Agency Act, as required in subsection (h-3) of Section 9-220

1 of the Public Utilities Act, including calculating the range
2 of capital costs, the range of operating and maintenance
3 costs, or the sequestration costs or monitoring the
4 construction of clean coal SNG brownfield facility for the
5 full duration of construction.

6 (f) (Blank).

7 (g) (Blank).

8 (h) This Code does not apply to the process to procure or
9 contracts entered into in accordance with Sections 11-5.2 and
10 11-5.3 of the Illinois Public Aid Code.

11 (i) Each chief procurement officer may access records
12 necessary to review whether a contract, purchase, or other
13 expenditure is or is not subject to the provisions of this
14 Code, unless such records would be subject to attorney-client
15 privilege.

16 (j) This Code does not apply to the process used by the
17 Capital Development Board to retain an artist or work or works
18 of art as required in Section 14 of the Capital Development
19 Board Act.

20 (k) This Code does not apply to the process to procure
21 contracts, or contracts entered into, by the State Board of
22 Elections or the State Electoral Board for hearing officers
23 appointed pursuant to the Election Code.

24 (l) This Code does not apply to the processes used by the
25 Illinois Student Assistance Commission to procure supplies and
26 services paid for from the private funds of the Illinois

1 Prepaid Tuition Fund. As used in this subsection (l), "private
2 funds" means funds derived from deposits paid into the
3 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

4 (m) This Code shall apply regardless of the source of
5 funds with which contracts are paid, including federal
6 assistance moneys. Except as specifically provided in this
7 Code, this Code shall not apply to procurement expenditures
8 necessary for the Department of Public Health to conduct the
9 Healthy Illinois Survey in accordance with Section 2310-431 of
10 the Department of Public Health Powers and Duties Law of the
11 Civil Administrative Code of Illinois.

12 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
13 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff
14 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
15 eff. 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
16 102-1116, eff. 1-10-23.)

17 Section 20. The Counties Code is amended by changing
18 Section 5-12020 as follows:

19 (55 ILCS 5/5-12020)

20 Sec. 5-12020. Commercial wind energy facilities and
21 commercial solar energy facilities.

22 (a) As used in this Section:

23 "Commercial solar energy facility" means a "commercial
24 solar energy system" as defined in Section 10-720 of the

1 Property Tax Code. "Commercial solar energy facility" does not
2 mean a utility-scale solar energy facility being constructed
3 at a site that was eligible to participate in a procurement
4 event conducted by the Illinois Power Agency pursuant to
5 subsection (c-5) of Section 1-75 of the Illinois Power Agency
6 Act.

7 "Commercial wind energy facility" means a wind energy
8 conversion facility of equal or greater than 500 kilowatts in
9 total nameplate generating capacity. "Commercial wind energy
10 facility" includes a wind energy conversion facility seeking
11 an extension of a permit to construct granted by a county or
12 municipality before January 27, 2023 (the effective date of
13 Public Act 102-1123) ~~this amendatory Act of the 102nd General~~
14 ~~Assembly.~~

15 "Facility owner" means (i) a person with a direct
16 ownership interest in a commercial wind energy facility or a
17 commercial solar energy facility, or both, regardless of
18 whether the person is involved in acquiring the necessary
19 rights, permits, and approvals or otherwise planning for the
20 construction and operation of the facility, and (ii) at the
21 time the facility is being developed, a person who is acting as
22 a developer of the facility by acquiring the necessary rights,
23 permits, and approvals or by planning for the construction and
24 operation of the facility, regardless of whether the person
25 will own or operate the facility.

26 "Nonparticipating property" means real property that is

1 not a participating property.

2 "Nonparticipating residence" means a residence that is
3 located on nonparticipating property and that is existing and
4 occupied on the date that an application for a permit to
5 develop the commercial wind energy facility or the commercial
6 solar energy facility is filed with the county.

7 "Occupied community building" means any one or more of the
8 following buildings that is existing and occupied on the date
9 that the application for a permit to develop the commercial
10 wind energy facility or the commercial solar energy facility
11 is filed with the county: a school, place of worship, day care
12 facility, public library, or community center.

13 "Participating property" means real property that is the
14 subject of a written agreement between a facility owner and
15 the owner of the real property that provides the facility
16 owner an easement, option, lease, or license to use the real
17 property for the purpose of constructing a commercial wind
18 energy facility, a commercial solar energy facility, or
19 supporting facilities. "Participating property" also includes
20 real property that is owned by a facility owner for the purpose
21 of constructing a commercial wind energy facility, a
22 commercial solar energy facility, or supporting facilities.

23 "Participating residence" means a residence that is
24 located on participating property and that is existing and
25 occupied on the date that an application for a permit to
26 develop the commercial wind energy facility or the commercial

1 solar energy facility is filed with the county.

2 "Protected lands" means real property that is:

3 (1) subject to a permanent conservation right
4 consistent with the Real Property Conservation Rights Act;

5 or

6 (2) registered or designated as a nature preserve,
7 buffer, or land and water reserve under the Illinois
8 Natural Areas Preservation Act.

9 "Supporting facilities" means the transmission lines,
10 substations, access roads, meteorological towers, storage
11 containers, and equipment associated with the generation and
12 storage of electricity by the commercial wind energy facility
13 or commercial solar energy facility.

14 "Wind tower" includes the wind turbine tower, nacelle, and
15 blades.

16 (b) Notwithstanding any other provision of law or whether
17 the county has formed a zoning commission and adopted formal
18 zoning under Section 5-12007, a county may establish standards
19 for commercial wind energy facilities, commercial solar energy
20 facilities, or both. The standards may include all of the
21 requirements specified in this Section but may not include
22 requirements for commercial wind energy facilities or
23 commercial solar energy facilities that are more restrictive
24 than specified in this Section. A county may also regulate the
25 siting of commercial wind energy facilities with standards
26 that are not more restrictive than the requirements specified

1 in this Section in unincorporated areas of the county that are
2 outside the zoning jurisdiction of a municipality and that are
3 outside the 1.5-mile radius surrounding the zoning
4 jurisdiction of a municipality.

5 (c) If a county has elected to establish standards under
6 subsection (b), before the county grants siting approval or a
7 special use permit for a commercial wind energy facility or a
8 commercial solar energy facility, or modification of an
9 approved siting or special use permit, the county board of the
10 county in which the facility is to be sited or the zoning board
11 of appeals for the county shall hold at least one public
12 hearing. The public hearing shall be conducted in accordance
13 with the Open Meetings Act and shall be held not more than 60
14 ~~45~~ days after the filing of the application for the facility.
15 The county shall allow interested parties to a special use
16 permit an opportunity to present evidence and to cross-examine
17 witnesses at the hearing, but the county may impose reasonable
18 restrictions on the public hearing, including reasonable time
19 limitations on the presentation of evidence and the
20 cross-examination of witnesses. The county shall also allow
21 public comment at the public hearing in accordance with the
22 Open Meetings Act. The county shall make its siting and
23 permitting decisions not more than 30 days after the
24 conclusion of the public hearing. Notice of the hearing shall
25 be published in a newspaper of general circulation in the
26 county. A facility owner must enter into an agricultural

1 impact mitigation agreement with the Department of Agriculture
 2 prior to the date of the required public hearing. A commercial
 3 wind energy facility owner seeking an extension of a permit
 4 granted by a county prior to July 24, 2015 (the effective date
 5 of Public Act 99-132) must enter into an agricultural impact
 6 mitigation agreement with the Department of Agriculture prior
 7 to a decision by the county to grant the permit extension.
 8 Counties may allow test wind towers or test solar energy
 9 systems to be sited without formal approval by the county
 10 board.

11 (d) A county with an existing zoning ordinance in conflict
 12 with this Section shall amend that zoning ordinance to be in
 13 compliance with this Section within 120 days after January 27,
 14 2023 (the effective date of Public Act 102-1123) ~~this~~
 15 ~~amendatory Act of the 102nd General Assembly.~~

16 (e) A county may require:

17 (1) a wind tower of a commercial wind energy facility
 18 to be sited as follows, with setback distances measured
 19 from the center of the base of the wind tower:

20	Setback Description	Setback Distance
21	Occupied Community	2.1 times the maximum blade tip
22	Buildings	height of the wind tower to the
23		nearest point on the outside
24		wall of the structure

1	Participating Residences	1.1 times the maximum blade tip
2		height of the wind tower to the
3		nearest point on the outside
4		wall of the structure
5	Nonparticipating Residences	2.1 times the maximum blade tip
6		height of the wind tower to the
7		nearest point on the outside
8		wall of the structure
9	Boundary Lines of	None
10	Participating Property	
11	Boundary Lines of	1.1 times the maximum blade tip
12	Nonparticipating Property	height of the wind tower to the
13		nearest point on the property
14		line of the nonparticipating
15		property
16	Public Road Rights-of-Way	1.1 times the maximum blade tip
17		height of the wind tower
18		to the center point of the
19		public road right-of-way
20	Overhead Communication and	1.1 times the maximum blade tip

1 Electric Transmission height of the wind tower to the
 2 and Distribution Facilities nearest edge of the property
 3 (Not Including Overhead line, easement, or
 4 Utility Service Lines to right-of-way ~~right-of-way~~
 5 Individual Houses or containing the overhead line
 6 Outbuildings)

7 Overhead Utility Service None
 8 Lines to Individual
 9 Houses or Outbuildings

10 Fish and Wildlife Areas 2.1 times the maximum blade
 11 and Illinois Nature tip height of the wind tower
 12 Preserve Commission to the nearest point on the
 13 Protected Lands property line of the fish and
 14 wildlife area or protected
 15 land

16 This Section does not exempt or excuse compliance with
 17 electric facility clearances approved or required by the
 18 National Electrical Code, The National Electrical Safety
 19 Code, Illinois Commerce Commission, Federal Energy
 20 Regulatory Commission, and their designees or successors.

21 (2) a wind tower of a commercial wind energy facility
 22 to be sited so that industry standard computer modeling
 23 indicates that any occupied community building or

1 nonparticipating residence will not experience more than
 2 30 hours per year of shadow flicker under planned
 3 operating conditions;

4 (3) a commercial solar energy facility to be sited as
 5 follows, with setback distances measured from the nearest
 6 edge of any component of the facility:

7	Setback Description	Setback Distance
8	Occupied Community	150 feet from the nearest
9	Buildings and Dwellings on	point on the outside wall
10	Nonparticipating Properties	of the structure
11	Boundary Lines of	None
12	Participating Property	
13	Public Road Rights-of-Way	50 feet from the nearest
14		edge
15	Boundary Lines of	50 feet to the nearest
16	Nonparticipating Property	point on the property
17		line of the nonparticipating
18		property

19 (4) a commercial solar energy facility to be sited so
 20 that the facility's perimeter is enclosed by fencing

1 having a height of at least 6 feet and no more than 25
2 feet; and

3 (5) a commercial solar energy facility to be sited so
4 that no component of a solar panel has a height of more
5 than 20 feet above ground when the solar energy facility's
6 arrays are at full tilt.

7 The requirements set forth in this subsection (e) may be
8 waived subject to the written consent of the owner of each
9 affected nonparticipating property.

10 (f) A county may not set a sound limitation for wind towers
11 in commercial wind energy facilities or any components in
12 commercial solar energy facilities ~~facility~~ that is more
13 restrictive than the sound limitations established by the
14 Illinois Pollution Control Board under 35 Ill. Adm. Code Parts
15 900, 901, and 910.

16 (g) A county may not place any restriction on the
17 installation or use of a commercial wind energy facility or a
18 commercial solar energy facility unless it adopts an ordinance
19 that complies with this Section. A county may not establish
20 siting standards for supporting facilities that preclude
21 development of commercial wind energy facilities or commercial
22 solar energy facilities.

23 A request for siting approval or a special use permit for a
24 commercial wind energy facility or a commercial solar energy
25 facility, or modification of an approved siting or special use
26 permit, shall be approved if the request is in compliance with

1 the standards and conditions imposed in this Act, the zoning
2 ordinance adopted consistent with this Code, and the
3 conditions imposed under State and federal statutes and
4 regulations.

5 (h) A county may not adopt zoning regulations that
6 disallow, permanently or temporarily, commercial wind energy
7 facilities or commercial solar energy facilities from being
8 developed or operated in any district zoned to allow
9 agricultural or industrial uses.

10 (i) A county may not require permit application fees for a
11 commercial wind energy facility or commercial solar energy
12 facility that are unreasonable. All application fees imposed
13 by the county shall be consistent with fees for projects in the
14 county with similar capital value and cost.

15 (j) Except as otherwise provided in this Section, a county
16 shall not require standards for construction, decommissioning,
17 or deconstruction of a commercial wind energy facility or
18 commercial solar energy facility or related financial
19 assurances that are more restrictive than those included in
20 the Department of Agriculture's standard wind farm
21 agricultural impact mitigation agreement, template 81818, or
22 standard solar agricultural impact mitigation agreement,
23 version 8.19.19, as applicable and in effect on December 31,
24 2022. The amount of any decommissioning payment shall be in
25 accordance with the financial assurance ~~limited to the cost~~
26 ~~identified in the decommissioning or deconstruction plan, as~~

1 required by those agricultural impact mitigation agreements,
2 ~~minus the salvage value of the project.~~

3 (j-5) A commercial wind energy facility or a commercial
4 solar energy facility shall file a farmland drainage plan with
5 the county and impacted drainage districts outlining how
6 surface and subsurface drainage of farmland will be restored
7 during and following construction or deconstruction of the
8 facility. The plan is to be created independently by the
9 facility developer and shall include the location of any
10 potentially impacted drainage district facilities to the
11 extent this information is publicly available from the county
12 or the drainage district, plans to repair any subsurface
13 drainage affected during construction or deconstruction using
14 procedures outlined in the agricultural impact mitigation
15 agreement entered into by the commercial wind energy facility
16 owner or commercial solar energy facility owner, and
17 procedures for the repair and restoration of surface drainage
18 affected during construction or deconstruction. All surface
19 and subsurface damage shall be repaired as soon as reasonably
20 practicable.

21 (k) A county may not condition approval of a commercial
22 wind energy facility or commercial solar energy facility on a
23 property value guarantee and may not require a facility owner
24 to pay into a neighboring property devaluation escrow account.

25 (l) A county may require certain vegetative screening
26 surrounding a commercial wind energy facility or commercial

1 solar energy facility but may not require earthen berms or
2 similar structures.

3 (m) A county may set blade tip height limitations for wind
4 towers in commercial wind energy facilities but may not set a
5 blade tip height limitation that is more restrictive than the
6 height allowed under a Determination of No Hazard to Air
7 Navigation by the Federal Aviation Administration under 14 CFR
8 Part 77.

9 (n) A county may require that a commercial wind energy
10 facility owner or commercial solar energy facility owner
11 provide:

12 (1) the results and recommendations from consultation
13 with the Illinois Department of Natural Resources that are
14 obtained through the Ecological Compliance Assessment Tool
15 (EcoCAT) or a comparable successor tool; and

16 (2) the results of the United States Fish and Wildlife
17 Service's Information for Planning and Consulting
18 environmental review or a comparable successor tool that
19 is consistent with (i) the "U.S. Fish and Wildlife
20 Service's Land-Based Wind Energy Guidelines" and (ii) any
21 applicable United States Fish and Wildlife Service solar
22 wildlife guidelines that have been subject to public
23 review.

24 (o) A county may require a commercial wind energy facility
25 or commercial solar energy facility to adhere to the
26 recommendations provided by the Illinois Department of Natural

1 Resources in an EcoCAT natural resource review report under 17
2 Ill. Adm. Admin. Code Part 1075.

3 (p) A county may require a facility owner to:

4 (1) demonstrate avoidance of protected lands as
5 identified by the Illinois Department of Natural Resources
6 and the Illinois Nature Preserve Commission; or

7 (2) consider the recommendations of the Illinois
8 Department of Natural Resources for setbacks from
9 protected lands, including areas identified by the
10 Illinois Nature Preserve Commission.

11 (q) A county may require that a facility owner provide
12 evidence of consultation with the Illinois State Historic
13 Preservation Office to assess potential impacts on
14 State-registered historic sites under the Illinois State
15 Agency Historic Resources Preservation Act.

16 (r) To maximize community benefits, including, but not
17 limited to, reduced stormwater runoff, flooding, and erosion
18 at the ground mounted solar energy system, improved soil
19 health, and increased foraging habitat for game birds,
20 songbirds, and pollinators, a county may (1) require a
21 commercial solar energy facility owner to plant, establish,
22 and maintain for the life of the facility vegetative ground
23 cover, consistent with the goals of the Pollinator-Friendly
24 Solar Site Act and (2) require the submittal of a vegetation
25 management plan that is in compliance with the agricultural
26 impact mitigation agreement in the application to construct

1 and operate a commercial solar energy facility in the county
2 if the vegetative ground cover and vegetation management plan
3 comply with the requirements of the underlying agreement with
4 the landowner or landowners where the facility will be
5 constructed.

6 No later than 90 days after January 27, 2023 (the
7 effective date of Public Act 102-1123) ~~this amendatory Act of~~
8 ~~the 102nd General Assembly~~, the Illinois Department of Natural
9 Resources shall develop guidelines for vegetation management
10 plans that may be required under this subsection for
11 commercial solar energy facilities. The guidelines must
12 include guidance for short-term and long-term property
13 management practices that provide and maintain native and
14 non-invasive naturalized perennial vegetation to protect the
15 health and well-being of pollinators.

16 (s) If a facility owner enters into a road use agreement
17 with the Illinois Department of Transportation, a road
18 district, or other unit of local government relating to a
19 commercial wind energy facility or a commercial solar energy
20 facility, the road use agreement shall require the facility
21 owner to be responsible for (i) the reasonable cost of
22 improving roads used by the facility owner to construct the
23 commercial wind energy facility or the commercial solar energy
24 facility and (ii) the reasonable cost of repairing roads used
25 by the facility owner during construction of the commercial
26 wind energy facility or the commercial solar energy facility

1 so that those roads are in a condition that is safe for the
2 driving public after the completion of the facility's
3 construction. Roadways improved in preparation for and during
4 the construction of the commercial wind energy facility or
5 commercial solar energy facility shall be repaired and
6 restored to the improved condition at the reasonable cost of
7 the developer if the roadways have degraded or were damaged as
8 a result of construction-related activities.

9 The road use agreement shall not require the facility
10 owner to pay costs, fees, or charges for road work that is not
11 specifically and uniquely attributable to the construction of
12 the commercial wind energy facility or the commercial solar
13 energy facility. Road-related fees, permit fees, or other
14 charges imposed by the Illinois Department of Transportation,
15 a road district, or other unit of local government under a road
16 use agreement with the facility owner shall be reasonably
17 related to the cost of administration of the road use
18 agreement.

19 (s-5) The facility owner shall also compensate landowners
20 for crop losses or other agricultural damages resulting from
21 damage to the drainage system caused by the construction of
22 the commercial wind energy facility or the commercial solar
23 energy facility. The commercial wind energy facility owner or
24 commercial solar energy facility owner shall repair or pay for
25 the repair of all damage to the subsurface drainage system
26 caused by the construction of the commercial wind energy

1 facility or the commercial solar energy facility in accordance
2 with the agriculture impact mitigation agreement requirements
3 for repair of drainage. The commercial wind energy facility
4 owner or commercial solar energy facility owner shall repair
5 or pay for the repair and restoration of surface drainage
6 caused by the construction or deconstruction of the commercial
7 wind energy facility or the commercial solar energy facility
8 as soon as reasonably practicable.

9 (t) Notwithstanding any other provision of law, a facility
10 owner with siting approval from a county to construct a
11 commercial wind energy facility or a commercial solar energy
12 facility is authorized to cross or impact a drainage system,
13 including, but not limited to, drainage tiles, open drainage
14 ditches districts, culverts, and water gathering vaults, owned
15 or under the control of a drainage district under the Illinois
16 Drainage Code without obtaining prior agreement or approval
17 from the drainage district in accordance with the farmland
18 drainage plan required by subsection (j-5), ~~except that the~~
19 ~~facility owner shall repair or pay for the repair of all damage~~
20 ~~to the drainage system caused by the construction of the~~
21 ~~commercial wind energy facility or the commercial solar energy~~
22 ~~facility within a reasonable time after construction of the~~
23 ~~commercial wind energy facility or the commercial solar energy~~
24 ~~facility is complete.~~

25 (u) The amendments to this Section adopted in Public Act
26 102-1123 ~~this amendatory Act of the 102nd General Assembly do~~

1 not apply to (1) an application for siting approval or for a
2 special use permit for a commercial wind energy facility or
3 commercial solar energy facility if the application was
4 submitted to a unit of local government before January 27,
5 2023 (the effective date of Public Act 102-1123) ~~this~~
6 ~~amendatory Act of the 102nd General Assembly~~ or (2) a
7 commercial wind energy facility or a commercial solar energy
8 facility if the facility owner has submitted an agricultural
9 impact mitigation agreement to the Department of Agriculture
10 before January 27, 2023 (the effective date of Public Act
11 102-1123) ~~this amendatory Act of the 102nd General Assembly.~~

12 (Source: P.A. 101-4, eff. 4-19-19; 102-1123, eff. 1-27-23;
13 revised 4-5-23.)

14 Section 25. The Public Utilities Act is amended by adding
15 Section 4-610 as follows:

16 (220 ILCS 5/4-610 new)

17 Sec. 4-610. Thermal energy networks.

18 (a) The General Assembly finds that:

19 (1) the State has an interest in decarbonizing
20 buildings in a manner that is affordable and accessible,
21 preserves and creates living-wage jobs, and retains the
22 knowledge and experience of the existing utility
23 workforce;

24 (2) thermal energy networks have the potential to

1 affordably decarbonize buildings at the community-scale
2 and utility-scale and help achieve the goals of the
3 Climate and Equitable Jobs Act (Public Act 102-662);

4 (3) the construction industry is highly skilled and
5 labor intensive, and the installation of modern thermal
6 energy networks involves particularly complex work,
7 therefore effective qualification standards for craft
8 labor personnel employed on these projects are critically
9 needed to promote successful project delivery; and

10 (4) it is the intent of the General Assembly to
11 establish a stakeholder workshop within the Commission to
12 promote the successful planning and delivery of thermal
13 energy networks in an equitable manner that reduces
14 emissions, offers affordable building decarbonization, and
15 provides opportunities for employment with fair labor
16 standards and preapprenticeship and apprenticeship
17 programs.

18 (b) As used in this Section:

19 "Thermal energy" means piped noncombustible fluids used
20 for transferring heat into and out of buildings for the
21 purpose of reducing any resultant onsite greenhouse gas
22 emissions of all types of heating and cooling processes,
23 including, but not limited to, comfort heating and cooling,
24 domestic hot water, and refrigeration.

25 "Thermal energy network" means all real estate, fixtures,
26 and personal property operated, owned, used, or to be used

1 for, in connection with, or to facilitate a utility-scale
2 distribution infrastructure project that supplies thermal
3 energy.

4 (c) The Commission, in order to develop a regulatory
5 structure for utility thermal energy networks that scale with
6 affordable and accessible building electrification, protect
7 utility customers, and promote the successful planning and
8 delivery of thermal energy networks, shall convene a workshop
9 process for the purpose of establishing an open, inclusive,
10 and cooperative forum regarding such thermal energy networks.
11 The workshops may be facilitated by an independent,
12 third-party facilitator selected by the Commission. The series
13 of workshops shall include no fewer than 3 workshops. After
14 the conclusion of the workshops, the Commission shall open a
15 comment period that allows interested and diverse stakeholders
16 to submit comments and recommendations regarding the thermal
17 energy networks. Based on the workshop process and stakeholder
18 comments and recommendations offered verbally or in writing
19 during the workshops and in writing during the comment period
20 following the workshops, the Commission or, if applicable, the
21 independent third-party facilitator, shall prepare a report,
22 to be submitted to the Governor and the General Assembly no
23 later than March 1, 2024, describing the stakeholders,
24 discussions, proposals, and areas of consensus and
25 disagreement from the workshop process, and making
26 recommendations regarding thermal energy networks.

1 (d) The workshop shall be designed to achieve the
2 following objectives:

3 (1) determine appropriate ownership, market, and rate
4 structures for thermal energy networks and whether the
5 provision of thermal energy services by thermal network
6 energy providers is in the public interest;

7 (2) consider project designs that could maximize the
8 value of existing State energy efficiency and
9 weatherization programs and maximize federal funding
10 opportunities to the extent practicable;

11 (3) determine whether thermal energy network projects
12 further climate justice and emissions reductions and
13 benefits to utility customers and society at large,
14 including but not limited to public health benefits in
15 areas with disproportionate environmental burdens, job
16 retention and creation, reliability, and increased
17 affordability of renewable thermal energy options;

18 (4) consider approaches to thermal energy network
19 projects that advance financial and technical approaches
20 to equitable and affordable building electrification,
21 including access to thermal energy network benefits by low
22 and moderate income households; and

23 (5) consider approaches to promote the training and
24 transition of utility workers to work on thermal energy
25 networks.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".